

LDP MANUAL

Local Development Plan Manual



Llywodraeth Cymru
Welsh Government

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Contents

1. Introduction

- 1.1 Purpose of the Manual
- 1.2 How the Manual relates to other advice
- 1.3 Glossary

2. Process, Form and Content

- 2.1 An Integrated LDP Preparation Process
- 2.2 Key Objectives / Focus of the LDP System
- 2.3 LDP Components
- 2.4 Form and Structure of the LDP
- 2.5 Joint LDPs and Joint Working
- 2.6 Availability of Documents
- 2.7 Notices
- 2.8 Use of English and Welsh

3. Introduction to Sustainability Appraisal (SA) Incorporating Strategic Environmental Assessment (SEA), and to Habitats Regulations Assessment (HRA)

- 3.1 Introduction
- 3.2 Background
- 3.3 Possible Exemptions from SEA
- 3.4 Stages
- 3.5 Consultation

4. Delivery Agreement

- 4.1 Role of the Delivery Agreement
- 4.2 Consultation on the Delivery Agreement
- 4.3 Timetable – Practical Issues in its Preparation
- 4.4 Community Involvement Scheme – Practical Issues in its Preparation
- 4.5 Delivery Agreement – Finalisation and Review
- 4.6 Summary of Tasks in Preparing the Delivery Agreement

5. Evidence Gathering and Objectives

- 5.1 Introduction
- 5.2 Review
- 5.3 Developing the Evidence Base
- 5.4 Identifying Issues and Objectives
- 5.5 SA Tasks
- 5.6 Summary of Evidence Gathering and Objectives Tasks

6. Strategic Options and Preferred Strategy

- 6.1 Introduction
- 6.2 Identifying Strategic Options
- 6.3 Assessing Options
- 6.4 Preparing Pre-Deposit Proposals Documents
- 6.5 Public Consultation on the Preferred Strategy
- 6.6 Summary of Strategic Options and LDP Preparation Tasks

7. LDP Preparation and Deposit

- 7.1 Introduction
- 7.2 Preparing the Deposit LDP
- 7.3 Supplementary Planning Guidance
- 7.4 Placing the LDP on Deposit
- 7.5 Preparations for Submission
- 7.6 Dealing with late changes; Focussed Changes
- 7.7 Summary of Deposit Tasks

8. Submission, Examination and Adoption

- 8.1 Introduction
- 8.2 Submission
- 8.3 Examination
- 8.4 Adoption
- 8.5 Summary of Submission, Examination and Adoption Tasks

9. Monitoring

- 9.1 Introduction
- 9.2 Principles for setting up a Monitoring Framework
- 9.3 Developing Monitoring Targets and Indicators
- 9.4 Annual Monitoring Report
- 9.5 Summary of Monitoring Tasks

10. Review and Revision

- 10.1 Review and the Review Report
- 10.2 Revision
- 10.3 Summary of Review and Revision Tasks

11. Welsh Government Role, High Court Challenge and Revocation

- 11.1 Welsh Government Involvement
- 11.2 Welsh Government Powers
- 11.3 High Court Challenge
- 11.4 Revocation

12. Transitional Provisions

- 12.1 Transitional and Savings Provisions (2015)
- 12.2 Regulation 20/21 Alternative Sites Stage
- 12.3 Pre-Deposit Regulation 14
- 12.4 Review Report
- 12.5 Transitional and Savings Provisions (2005)

Annexes:

Annex A Quality Assurance Checklist

Annex B Consultees for LDPs

Figures:

Figure 1.1 Local Development Plan Preparation Process Diagram

Figure 2.1 Main Stages of the LDP Preparation Process

Figure 4.1 The Delivery Agreement

Figure 5.1 Evidence Gathering and Objectives

Figure 6.1 Strategic Options and Pre-Deposit (Preferred Strategy)

Figure 6.2 Example table for assessment of options against integrated LDP/SA objectives

Figure 6.3 A framework for appraising the effects of a plan option

Figure 7.1 LDP Preparation and Deposit

Figure 8.1 Submission, Examination and Adoption

Figure 9.1 Monitoring

Figure 10.1 Review

1. Introduction

1.1 Purpose of the Manual

1.1.1 This Local Development Plan Manual is an online reference document for practitioners implementing or contributing to Local Development Plan (LDP) preparation and provides practical and technical advice on how to prepare or revise an LDP.

1.1.2 This version of the Manual (2015) proposes a more integrated approach to incorporating sustainability appraisal, explains changes relating to candidate and alternative site procedures and to the tests of soundness, and expands the advice on plan review and revision.

Please note:

i. The Manual should be considered alongside the LDP chapter in Planning Policy Wales.

ii. Generally throughout the Manual references to an LDP include an initial LDP or any subsequent revision; but also see chapter 10 Review & Revision, especially with regard to the short form revision procedure.

1.2 How the Manual relates to other advice

1.2.1 The Manual is non-statutory and does not constitute national policy. Regulations and national policy on the LDP system have been published separately. The following are of particular relevance and should be read in conjunction with the Manual:-

- The Planning and Compulsory Purchase Act, 2004, Part 6.
- The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 S.I.2005/2839(W.203) – (*“the LDP Regulations”*)¹.
- Planning Policy Wales *latest edition* (Welsh Government).

¹ As amended, including by The Town and Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 S.I.2015/1598(W.197) (*“the 2015 Amendment Regulations”*)

- Planning Your Community (Public Guide to Local Development Plans) [2006] (Welsh Government). *(- to be updated)*
- Local Development Plan Examinations: Procedure Guidance [2015] (the Planning Inspectorate Wales).
- “LDPs: Preparing for submission – Guidance for Local Planning Authorities” [2015] (the Planning Inspectorate Wales).
- The statutory requirements for Strategic Environmental Assessment (SEA), Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA).

1.2.2 The Manual reflects examination guidance issued by the Planning Inspectorate Wales² which is available on the Planning Inspectorate website.

1.3 Glossary

The 2004 Act	The Planning and Compulsory Purchase Act 2004.
Annual Monitoring Report (AMR)	This will assess the extent to which policies in the local development plan are being successfully implemented (Regulation 37 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005).
Baseline	A description of the present state of an area against which to measure change.
Biodiversity Action Plan	A plan that sets objectives and actions for the conservation of biodiversity, with measurable targets, whose aim is to conserve and enhance nature across communities by bringing together all interests by involving sectors such as agriculture and business as well as the communities themselves. Action is developed and taken forward in partnership and in doing so reflects local priorities as well as biodiversity needs.
Candidate Site	Candidate Sites are those nominated by anyone for consideration by the LPA as allocations in an emerging LDP.
Candidate Sites Register	Register of candidate sites prepared following a call for candidate sites by the LPA.
Community Infrastructure Levy (CIL)	The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local planning authorities to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.
Citizens Panel	A randomly selected, representational number of residents who are consulted on a regular basis on a range of local issues and services.
Community	People living in a defined geographical area, or who share other interests and therefore form communities of interest.

² Planning Inspectorate, Cathays Park, Cardiff, CF10 3NQ (telephone: 029 2082 3892/1581).

Community Involvement Scheme (CIS)	Sets out the project plan and policies of the LPA for involving local communities, including businesses, in the preparation of local development plans. The CIS is submitted to the Welsh Government as part of the Delivery Agreement for agreement.
Community Strategy	Required by the Local Government (Wales) Measure 2009 (Part 2: Sections 37-46) with the aim of improving the social, environmental and economic well being of their areas. See “Single Integrated Plan”.
Consensus building	A process of early dialogue with targeted interest groups to understand relevant viewpoints and agree a course of action.
Consultation	A formal process in which comments are invited on a particular topic or set of topics, or a draft document.
Consultation Body	An authority with environmental responsibilities concerned by the effects of implementing plans and programmes and which must be consulted under the SEA Regulations; i.e. Natural Resources Wales (NRW) and Cadw.
Consultation exercise	A single consultation project focused on a defined objective and usually part of an overall consultation programme.
Contextual Indicator	An indicator used to monitor changes in the context within which the plan is being implemented.
Delivery Agreement (DA)	A document comprising the LPA's timetable for the preparation of the LDP together with its Community Involvement Scheme, submitted to the Welsh Government for agreement.
Deposit Documents	See “LDP documents”.
Development management policies	A suite of criteria-based policies which will ensure that all development within the area meets the aims and objectives set out in the Strategy.
Dialogue methods	Different techniques of interaction that build a continuous dialogue between and among affected groups.
Engagement	A process which encourages substantive deliberation in a community. Proactive attempt to involve any given group of people/section of the community.
Environmental Report	Document required by the SEA Regulations which identifies, describes and appraises the likely significant effects on the environment of implementing the plan, see Sustainability Appraisal Report.
Evidence Base	Interpretation of Baseline or other information/data to provide the basis for plan policy.
Focussed Change (FC)	Changes proposed to the deposit LDP prior to submission that are extremely limited in number, that reflect key pieces of evidence, but do not go to the heart of the plan.
Habitats Regulations Assessment (HRA)	The screening and appropriate assessment of options required under Part 6 Chapter 8 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) - a recognised iterative process which helps determine the likely significant effect on a plan or programme and (where appropriate) assess adverse impacts on the integrity of a European site.

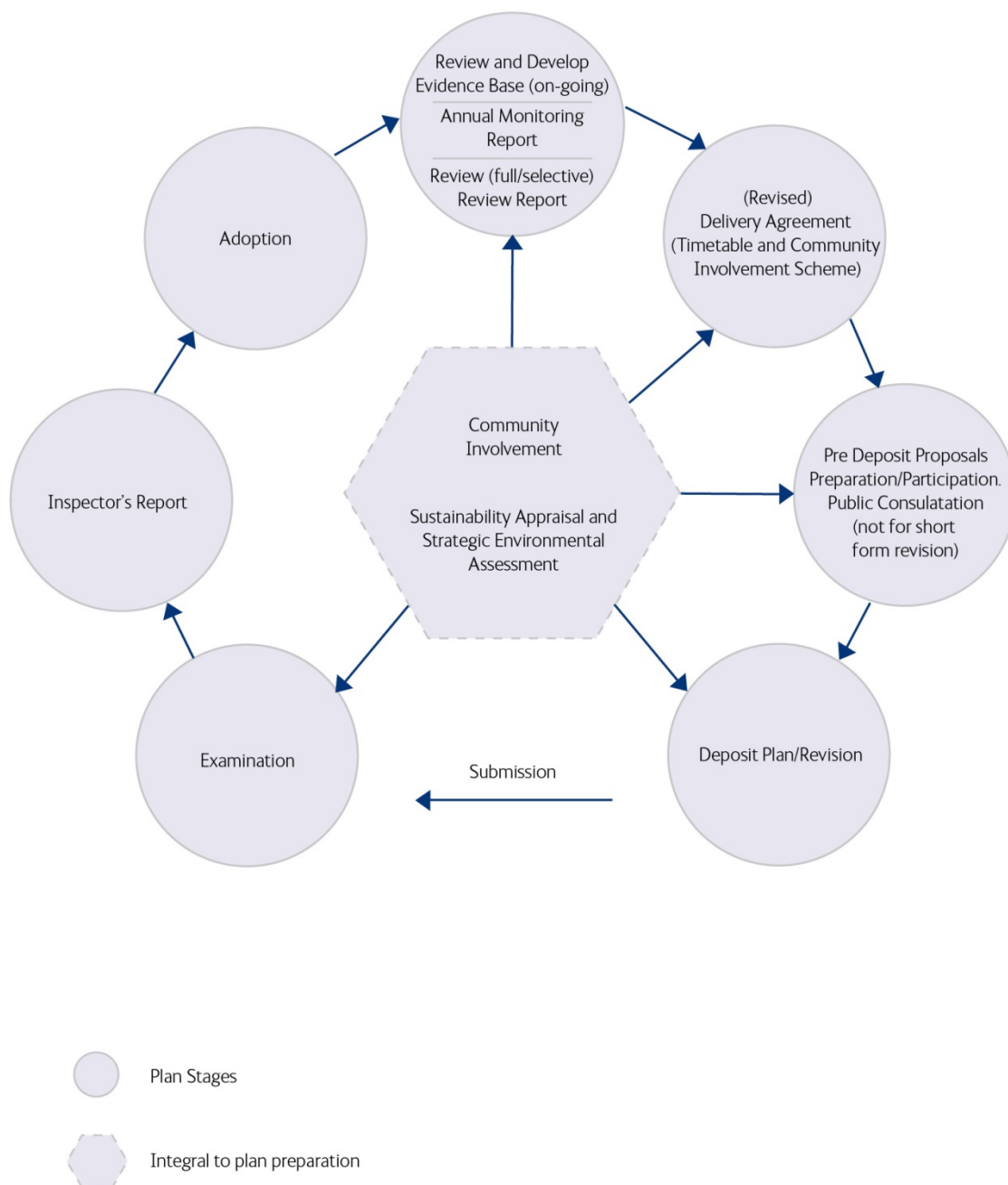
	The assessment is required to be undertaken by a competent authority in respect of plans or projects which are likely to have a significant effect (alone and in combination with other plans and projects) on a “European site” (see paragraph 5.1.2 of TAN 5), or as a matter of policy a proposed “European site” or Ramsar site, under the provisions of Article 6(3) of the EC Directive 92/43/ECC (the Habitats Directive), regulations 61 and 102 of the Conservation of Habitats and Species Regulations (as amended) 2010, and, regulation 25 of the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007.
Indicator	A measure of variables over time, often used to a measure achievement of objectives.
Initial SA Report	A term used in LDP Wales to refer to the SA Report, produced at the Preferred Strategy stage. This assesses the LDP options against the SA framework. The report is then expanded at the Deposit LDP stage and finalised alongside the Adoption Statement.
Involvement	Generic term to include both participation and consultation techniques.
LANDMAP	LANDMAP is the formally adopted methodology for landscape assessment in Wales; therefore all landscape work and assessments of the effects arising from a proposals impact on the landscape in Wales should include LANDMAP
Local Development Plan (LDP)	The required statutory development plan for each local planning authority area in Wales under Part 6 of the Planning and Compulsory Purchase Act 2004. - A land use plan that is subject to independent examination, which will form the statutory development plan for a local planning authority area for the purposes of the Act. It should include a vision, strategy, area-wide policies for development types, land allocations, and where necessary policies and proposals for key areas of change and protection. Policies and allocations must be shown geographically on the Proposals Map forming part of the plan.
LDP (or Deposit) Documents	These include the deposit LDP, the Sustainability Appraisal report, the initial consultation report, the candidate sites register, the Review Report (if appropriate), any relevant supporting documents.
Local Planning Authority (LPA)	A planning authority responsible for the preparation of an LDP; i.e. County or Borough Council, or National Park Authority.
Local strategy partnership	Partnerships of stakeholders who bring together service providers, private, community and voluntary sectors to identify and meet local needs more effectively and in a joined up way; usually engaged in producing and to produce the Single Integrated Plan.
Local Well-being Plan	Under The Well-being of Future Generations (Wales) Act 2015 Public Service Boards will be established for each

	local authority area; it is intended that each will prepare a Well-being Plan to replace the SIP by April 2018 (s.39).
Matters Arising Change (MAC)	Change after submission of an LDP, where the appointed Inspector concludes the change is necessary for soundness having considered all the evidence submitted to the examination.
Marine Plan	The Welsh National Marine Plan prepared under the Marine and Coastal Access Act 2009.
Mitigation	Measures to avoid, reduce or offset significant adverse effects.
National Park Management Plan (NPMP)	In national park areas the National Park Management Plan is the strategic over-arching policy document, co-ordinating and integrating other plans, strategies and actions where these affect the Park purposes and duties; it should inform the LDP. It is important that the Single Integrated Plan(s) dovetail(s) with the NPMP.
Objective	A statement of what is intended, specifying the desired direction of change in trends.
Output Indicator	An indicator that measures the direct output of the plan. These indicators measure progress in achieving the plan's objectives, targets and policies.
Participation	A process whereby stakeholders and the community can interface with plan makers.
Partners	Other local/NP authority departments and statutory bodies where the LDP will help to deliver some of the objectives of their strategies. Partners may be expected to contribute to formulating relevant parts of the LDP.
Pre-deposit proposals documents	These include the vision, strategic options, preferred strategy, key policies, the Sustainability Appraisal report, the candidate sites register, Review Report (if appropriate).
Pre-deposit stage	The participation and consultation stages prior to deposit; the Manual refers to the Strategic Options and Preferred Strategy stage which relate to the full plan procedure; reduced requirements relate to the short form plan revision procedure.
Review Report	The required statutory report under S69 of the 2004 Act and/or Reg41; to conclude on the LDP revision procedure to be followed based on a clear assessment of what has been considered and what needs to change and why, based on evidence.
Scoping SA	The process of deciding the scope and level of detail of an SA, including the sustainability effects and options which need to be considered, the assessment methods to be used, and the structure and contents of the SA Report.
Service Level Agreement (SLA)	An agreement with a statutory agency which sets the standards which it will aim to meet, and the costs arising. The Planning Inspectorate agrees one with the LPA in respect of an LDP examination, setting out the likely timescales and cost of the examination and providing the LPA with clear guidance on the nature of their own

	responsibilities.
Short form revision procedure	May be appropriate for circumstances where the issues involved are not of sufficient significance to justify undertaking the full plan revision procedure.
Single Integrated Plan (SIP)	Discharges statutory duties identified by Welsh Government (“Shared Purpose – Shared Delivery”, WG 2012), including Community Strategies; prepared by a Local Service Board. See “Local Well-being Plans” which are to replace SIPs”.
Significant effect	Effects which are significant in the context of the plan (Schedule 1 of the SEA Regulations gives criteria for determining the likely significance of effects on the environment).
Significant Effects Indicator	An indicator that measures the significant effects of the plan.
Site specific allocations	Allocations of sites (proposals) for specific or mixed uses or development contained in a local development plan. Policies will identify any specific requirements for individual proposals. Allocations will be shown on the LDP’s proposals map.
Soundness	In order to be adopted, an LDP must be determined ‘sound’ by the examination Inspector (S64 of the 2004 Act). Tests of soundness tests and checks are identified in PPW (ch2) and the Manual (ch8).
Stakeholders	Interests directly affected by the LDP (and/or SEA) - involvement generally through representative bodies.
Statement of Common Ground (SocG)	The purpose of a SOCG is to establish the main areas of agreement between two or more parties on a particular issue.
Strategic Environmental Assessment (SEA)	Generic term used internationally to describe environmental assessment as applied to plans and programmes. SEA process is derived from European legislation and defined at European level – Directive 2001/42/EC. The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (SEA Regulations) require a formal “environmental assessment of certain plans and programmes, including those in the field of planning and land use”.
Supplementary Planning Guidance (SPG)	Supplementary information in respect of the policies in an LDP. SPG does not form part of the development plan and is not subject to independent examination but must be consistent with it and with national planning policy.
Sustainability Appraisal (SA)	Tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic factors). Each LPA is required by S62(6) of the 2004 Act to undertake SA of the LDP. This form of SA fully incorporates the requirements of the SEA Regulations. The term is used in this Manual to include Strategic Environmental Assessment, unless otherwise made clear.
Sustainability Appraisal Framework	This comprises the identified SA objectives against which LDP options are then assessed.

Sustainability Appraisal Report (SA Report)	<p>A document required to be produced as part of the SA process to describe and appraise the likely significant effects on sustainability of implementing the LDP, which also meets the requirement for the Environmental Report under the SEA Regulations. S62(6) of the 2004 Act requires each LPA to prepare a report of the findings of the SA of the LDP.</p> <ul style="list-style-type: none">- The SA Report is first produced at the Preferred Strategy stage (the Interim SA Report), expanded at the Deposit LDP stage and finalised alongside the Adoption Statement.
Wales Spatial Plan (WSP)	<p>A plan prepared and approved by the National Assembly for Wales under S60 of the 2004 Act, which sets out a strategic framework to guide future development and policy interventions, whether or not these relate to formal land use planning control. Under S62(5)(b) of the 2004 Act a local planning authority must have regard to the WSP in preparing an LDP.</p>

Figure 1.1: Local Development Plan Preparation Process Diagram



2. Process, Form and Content

2.1 An Integrated LDP Preparation Process

2.1.1 Planning Policy Wales stresses the presumption in favour of sustainable development and LPAs should ensure that the plan and its proposals deliver sustainable development. Planning Policy Wales (PPW – Development Plan chapter) contains important information on the LDP preparation process which is fully integrated with the SA (see Figure 2.1), emphasising the need to demonstrate that the LDP is sound by ensuring that it reflects sustainable development objectives.

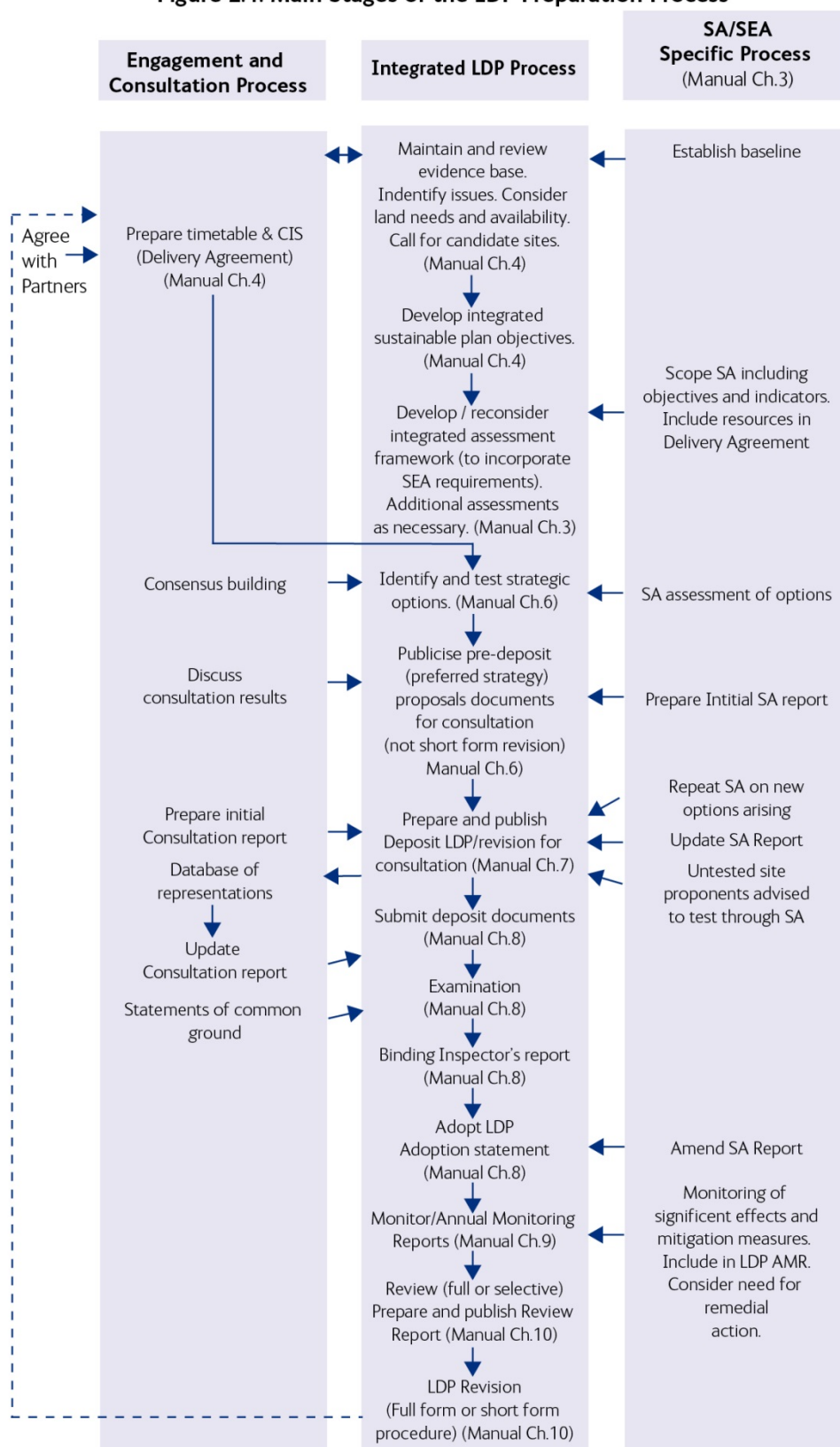
2.1.2 Sustainability appraisal, incorporating SEA, should be an integral element of every stage of plan preparation including evidence gathering, identifying issues, setting objectives, evaluating options and consultation. (See Annex A Quality Assurance Checklist.)

2.2 Key Objectives/Focus of the LDP System

2.2.1 The LDP system aims to achieve the following **objectives**:-

- Facilitating Sustainable Development by preparing and monitoring the LDP through a process that **integrates Sustainability Appraisal**, (incorporating Strategic Environmental Assessment requirements, and referred to in this Manual as SA), **with plan making**.
- Basing LDP production on early and effective **community involvement**, to consider a wide range of views, with the aim of building a broad consensus on the strategy and policies for LDPs.
- Ensuring **policy integration** by producing LDPs that are internally consistent and integrated with other main policies and strategies at national, regional and local level (without unnecessary repetition).
- Delivering a **fast and responsive approach** to plan-making, with published timetables for preparation, fewer iterations of the plan before adoption, and regular strategic monitoring and review to enable plans to better reflect the changing circumstances in contemporary Wales.
- Making plans that are **strategic, concise and distinctive** in setting out how an area will develop and change, based on a robust understanding of relationships between places, including across administrative boundaries, and that are drivers for change.
- Delivery of **sustainable development**, taking account of infrastructure requirements, availability of resources, viability and market factors.

Figure 2.1: Main Stages of the LDP Preparation Process



N.B. Plan preparation, SA and consultation should be undertaken in an integrated manner.

2.3 LDP Components

2.3.1 The development plan should comprise a strategy and integrated set of policies and site specific proposals³ that are linked to the vision of the relevant Single Integrated Plan (SIP)⁴ or National Park Management Plan (NPMP). It should be based on prudent use of resources, a clear understanding of the economic, social and environmental needs of the area and any constraints on meeting those needs. The 'soundness' of the plan is something that will be tested at examination and should therefore be a key consideration of the authority in preparing its LDP (see section 8.2.1). The strategy and the policies of the LDP should:

- i. relate to the geography of the area and be founded on physical and demographic characteristics, internal and external connections and relationships with neighbouring areas;
- ii. emphasise the means and timescale by which the objectives derived from the vision will be met;
- iii. be underpinned by comprehensive and credible evidence;
- iv. be viable and be deliverable within the plan period;
- v. be positive, emphasising the outcomes required to meet the authority's vision;
- vi. be capable of implementation and clear about methods of monitoring;
- vii. be in plain language, unambiguous and easily understood; and
- viii. be prepared ensuring that interactions between plan policies are fully considered and understood.

2.3.2 Plans should contain a succinct overview of their contextual and analytical basis; the detailed factual data should be contained in clearly cross-referenced technical/background documents. A plan summary and a full list of contents will help to make the plan more accessible. Though LDPs must have regard to national policies they should not repeat them, but rather explain how they apply to the local area, critically the link between how national and local policy will work together. In exceptional cases there may be justifiable reasons for exceptions to national policy, which would need to be supported by robust evidence. Where the use of the Welsh language is part of the social fabric of a community, the needs and interests of the language should be taken into account in the formulation of policies set out in the plan (PPW 4.13/ TAN 20).

2.3.3 Plans should include any land use policies to be applied within any areas designated through other regimes. Plans should not duplicate provisions in other legislative regimes, for example, in environmental health, building regulation and health and safety legislation. The policies should not include statements of intent or descriptions of administrative arrangements. Plans should not seek to designate areas where special facilities or grants will be available, or where special consultation arrangements will apply.

2.3.4 LDPs should include a limited number of succinct area wide policies, focussing on an area's main needs and opportunities. The needs of all sections of the

³ A proposal is a type of policy.

⁴ Under The Well-being of Future Generations (Wales) Act 2015 Public Service Boards will be established for each LA area; it is intended that each will prepare a Local Well-being Plan to replace the SIP by April 2018.

community should be considered in determining the approach and style of the plan and its policies. Jargon should be avoided; where it is necessary to use technical terms, these should be explained in a glossary. LDPs should not include policies to cover every eventuality nor should they be long, complex, vague or over-detailed. This will facilitate plan preparation and adoption, provide good guidance for plan users and make development management decisions less complicated and more transparent.

2.3.5 Policies may relate to the whole or part of the plan area, setting out the tests which will be used to judge whether a development should be permitted on individual sites. Too many site specific policies can lead to an inflexible plan which may become outdated and need early revision as circumstances change.

2.3.6 Authorities should consider setting out the plan in such a way to facilitate the easy review and revision of that plan at a subsequent date. For example, it may be possible to undertake selective reviews of part or parts of a plan on a geographical basis if the adopted plan includes separate sections with specific policies and proposals for sub-areas within the plan. This will also provide flexibility to deal with issues that arise in a particular area which were not apparent when the plan was originally adopted.

2.4 Form and Structure of the LDP

2.4.1 The LDP should include the following elements, (bearing in mind Part 3 of the LDP Regulations and the policy guidance in PPW):

- **Title & sub-title:** see Regulation 11; the subtitle must include the date of the expiry of the period for which the plan has been prepared.

- **Introduction:** Briefly setting the local context for the plan period, issues to be addressed in the plan, objectives and means of promoting sustainability.

- **A Strategy:** including a Vision, strategic issues, key aims and objectives, key policies, broad locations for development, the proposed level of change, key targets and spatial interpretation of the strategy. Illustrated with the “key diagram” - a diagrammatic map using generalised symbols and arrows, not on an OS base.

- **Area-wide policies** for development expressed generically where possible, including topic-based policies: setting out criteria against which planning applications will be considered. Including housing, employment and retail provision. Supported by housing / employment provision tables. Not repeating national policy but specific local application. Policy covering affordable housing, planning obligations, tourism, minerals, waste, sustainable development, amenity, access, parking, design, biodiversity and green infrastructure, landscaping, etc, as appropriate.

- **Allocations:** sites for development and areas of restraint; policies related to their delivery. Further detail may be included in supplementary planning guidance.

- **Area-specific policies** and proposals for key areas of change or protection: covering locally specific policies for identified growth, major mixed development,

regeneration or masterplan areas or areas of protection e.g. AONBs or conservation areas.

- In **key areas of change**, identify broad development principles (type, general scale and phasing of uses and their inter-relationships; integral specific site allocations; and infrastructure required); further detail such as layout of uses within the allocations and detailed design requirements should be included in supplementary planning guidance.
 - In **key areas of protection**, plans should set out the positive policies and proposals for action to protect or enhance the area, including defining areas where specific conservation measures are proposed and areas which will be subject to specific controls over development.
 - Succinct **reasoned justification** to explain policies and to guide their implementation, and identify how proposals will be implemented; policies and proposals must be readily distinguishable from the reasoned justification.
 - **Proposals map** on an Ordnance Survey base: illustrating each of the plan's policies and proposals with a spatial component; showing allocated sites, settlement boundaries and safeguarding areas, etc; defining areas to which specified development management policies will be applied, although where spatial delineations are determined by other mechanisms they do not need to be shown on the Proposals Map - in these situations the use of a Constraints Map may be beneficial. A Constraints Map can show, for example, spatial delineations determined by mechanisms other than the LDP (e.g. by TAN15 Development Advice Maps, statutory landscape designations such as AONBs); this may be beneficial in that the map can be amended readily to take account of changes that are not determined by the LDP. A Constraints Map, unlike the Proposals Map, is not a statutory requirement and is not part of the LDP. If produced, then its status must be made clear; the LDP should reference it and list the designations it includes. Extant planning permissions (i.e. commitments) for all sites above a threshold set by the authority, that are not small sites, should be shown on the Proposals Map, and presented as a list in the text of the LDP (this could be as an annex).
- Ordnance Survey base, with plan title, scale and explanation of the notations given; cross-references from the map key to specific policies and proposals; where possible, use common notations with neighbouring authorities.
- Plan area wide, with individual inset maps related to settlements if appropriate; inset map must illustrate all proposals for the area it covers; boundaries of inset maps must be shown precisely on the Proposals Map and the proposals shown on an inset must not appear on the main map.
- Land should not generally be allocated on the Proposals Map outside the plan period. For example if it were proposed to develop a major housing site whose development programme would extend beyond the plan period, only the initial phases of the development within the plan period should be shown on the Proposals Map. Mineral safeguarding policies are an exception, whereby land should be allocated on the Proposals Map beyond the plan period, due to the need for long-term protection to prevent their sterilisation by other permanent development.
- **Monitoring framework**: including monitoring targets and indicators.

2.5 Joint LDPs and Joint Working

2.5.1 Two or more LPAs may agree to prepare a joint LDP for their areas (section 72 of the 2004 Act and LDP Regulation 36). The Welsh Government recognises that there will be circumstances where joint working and plan preparation offers advantages in terms of the quality of the plans produced and also effective tackling of cross boundary issues.

2.5.2 Where two or more LPAs agree to prepare or revise a joint LDP, each LPA must comply with the procedures for the preparation of the joint LDP or revision as required if preparing an LDP or revision separately. All the LPAs must prepare / revise the plan; it cannot be done on a unilateral basis by an individual authority.

2.5.3 LPAs may consider that, in preparing their own LDPs, it is advantageous to carry out certain aspects of plan preparation in tandem or through joint working arrangements.

2.6 Availability of Documents

2.6.1 As soon as practicable, the adopted LDP should be published on the LPA's website and made available for inspection at the LPA's principal office (and elsewhere in accordance with the Delivery Agreement) and for purchase at a reasonable charge.

2.6.2 Authorities should provide plan information on their websites. Digital mapping allows an authority to make plans, maps and diagrams in plans available in computerised format subject to appropriate copyright safeguards. It is important that all the information relating to the plan is held together in a single source directory which allows the plan and other data to be correlated and analysed more easily. Proposals maps should be available in electronic form, both for accessibility and to enable them to be dynamic and responsive to change, as LDPs are reviewed and policies and proposals are revised. However, irrespective of whether the plan is available in digital format, paper copies of all documents during each step leading up to the adoption of the plan are required to be made available for inspection.

2.7 Notices

2.7.1 LPAs should satisfy themselves that they comply with all requirements in the LDP and SEA Regulations etc for notification or publicity. There is no set statutory format for notices. Notices should be drafted with a view to accessibility in terms of simpler explanation and the use of plain language. Helpline contact details could be included where an explanation of the process or alternative format documents can be obtained, and assistance is available to those unable to make representations in writing.

2.8 Use of English and Welsh

2.8.1 The Welsh Language (Wales) Measure 2011 introduced a duty on organisations including LPAs to comply with standards to do with the Welsh language. The Standards provide clarity about the services that should be provided in Welsh and require organisations to use the Welsh language in a reasonable and proportionate manner. Many of the Standards are likely to be relevant to all stages of the process of preparing and revising LDPs but particularly to the way in which LPAs publicise proposals, consult with the public, communicate with those making representation and make arrangements for the conduct of examination proceedings. Use of the Welsh language in communications should be identified in the Community Involvement Scheme (CIS). Pre-hearing meetings provide a forum where practical questions relating to the languages used at the hearing sessions can be discussed so that those who wish to participate through the medium of either the English or Welsh language may do so effectively.

3 Introduction to Sustainability Appraisal (SA) Incorporating Strategic Environmental Assessment (SEA), and to Habitats Regulations Assessment (HRA)

3.1 Introduction

3.1.1 In addition to requirements in relation to sustainable development under the Well-being of Future Generations (Wales) Act 2015 (see PPW Ch4), Section 39 of the 2004 Act requires authorities to prepare LDPs with the objective of contributing to the achievement of sustainable development. Planning Policy Wales stresses the presumption in favour of sustainable development and LPAs should ensure that the plan and proposals deliver sustainable development.

3.1.2 Sustainability appraisal and Strategic Environmental Assessment will play an important part in demonstrating that the LDP is sound by ensuring that it reflects sustainable development objectives. It will contribute to the reasoned justification of policies.

3.1.3 Consequently sustainability appraisal, incorporating SEA, should be an integral element of every stage of the plan preparation including evidence gathering, identifying issues, setting objectives, evaluating options and consultation. It should not be a 'tick box' activity 'bolted on' at the end of the process.

3.1.4 Figure 2.2 provides a summary of the main steps involved in preparing an LDP with Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) processes that need to be fully integrated or undertaken in parallel. The aim of SEA is to improve the environmental performance of the plan and provide strategic environmental protection. SA should meet all the requirements of the SEA Regulations⁵ so a separate SEA shouldn't be required. The use of the term SA in Welsh Government LDP guidance, including this Manual, incorporates SEA.

3.1.5 A brief background on SA is given in this chapter, with a more detailed description of tasks provided within each of the following chapters which describe each main stage in LDP preparation. A summary is also provided of the way in which consultation processes can be integrated to cover both the LDP and its associated SA.

3.2 Background

- SA / SEA

3.2.1 Sustainability Appraisal for LDPs is mandatory under the 2004 Act. SA covers social and economic effects of the LDP as well as environmental effects. First and revised / replacement LDPs must be subject to an environmental assessment (SEA Regulations 5(2) and 5(4)). The Welsh Government has decided that for

⁵ The Environmental Assessment of Plans and Programmes (Wales) Regulations - 2004 SI 2004/1656 (W.170) (the SEA Regulations)

development plans the requirements of the SEA Regulations are best incorporated into Sustainability Appraisal. In essence the SA and SEA Regulations requirements are relatively straightforward and reflect a common sense approach to plan-making so in turn the sustainability appraisal can be fully integrated with plan preparation work. For example SEA baseline information should be part of a common plan evidence base, SEA monitoring for significant effects can be integrated with the plan Annual Monitoring Report. However those aspects of the work that are specifically required to meet the SEA Regulations as indicated in Table 3.1 should be clearly recorded and signposted in a common reporting structure; i.e. the SA Report (a separate SEA Regulation 12 'Environmental Report' is not required if this is done – see also 6.4.4.1 below).

Table 3.1: SEA Regulations 2004 No.1656 (W.170) requirements

Key questions	Corresponding requirement of the SEA Regulations (the 'environmental report' must include...) <i>N.B. See Reg 12 and Schedule 2 of the SEA Regulations (2004/1656)</i>
What is the plan trying to achieve?	"an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes" (Sch2(1))
What's the policy context?	"an outline of the contents, main objectives of the plan or programme and relationship (if any) with other relevant plans and programmes" (Sch2(1))
What are the key sustainability objectives that need to be considered?	"the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation" (Sch2(5))
What's the situation <u>now</u> ?	"the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme" (Sch2(2)) "the environmental characteristics of areas likely to be significantly affected" (Sch2(3))
What will the situation be <u>without</u> the plan?	"the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme" (Sch2(2))
What are the key issues including any sustainability problems?	"any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC [Special Protection Areas under the Birds Directive] and 92/43/EEC [Special Areas of Conservation under the Habitats Directive]" (Note impacts on European sites will be specifically addressed through Habitats Regulations Assessment) (Sch2(4))

What will be the situation <u>with</u> the plan?	<p>“the likely significant effects* on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors” (Sch2(6))</p> <p>* These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.</p>
How can we mitigate adverse (and enhance positive) effects?	“the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme” (Sch2(7))
How can we best monitor the plan’s impacts?	“a description of the measures envisaged concerning monitoring...” (Sch2(9))

3.2.2 This Manual uses the terminology ‘integrated assessment’ to signify this integrated approach, except where the specific requirements of SEA legislation are highlighted.

3.2.3 This integrated SA process can also encompass other types of plan appraisal for example equality⁶, disability and Welsh language implications should be considered as part of the social impacts of the plan. However Habitats Regulations Assessment (HRA) is different from SA in terms of procedure and should be undertaken separately.

3.2.4 General guidance on the SEA Directive and the Wales SEA Regulations is on the Welsh Government website⁷, including the joint administrations ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (2005), which provides useful guidance together with the answers to frequently asked questions. This Manual provides information to assist local planning authorities to comply with the SEA Regulations and hence the Directive. It is not however intended as a legal interpretation of the Directive. Those undertaking an integrated plan assessment incorporating SEA must satisfy themselves in each case, by obtaining legal advice if necessary, that the requirements of the Directive have been met.

- Compliance with the Habitats Regulations

3.2.5 Part 6 Chapter 8 of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) requires the screening and appropriate assessment of options; often referred to as a ‘Habitats Regulations Assessment’ (HRA). Guidance for local planning authorities in Wales is provided in TAN 5 - Nature

⁶ The Equality Act 2010 (Statutory Duties) (Wales) Regulations - SI 2011/1064 (W.155) (reg 8)

⁷ <http://gov.wales/topics/environmentcountryside/consmanagement/strategic-environmental-assessment/?lang=en>
<http://wales.gov.uk/topics/environmentcountryside/consmanagement/sea/?skip=1&lang=cy>

Conservation and Planning⁸, Annex 6; competent authorities must satisfy themselves that they have complied with the requirements of the Habitats Regulations. Some key points to remember are:

- The application of the Habitats Regulations invokes the precautionary principle. Plans can only be permitted having ascertained that there will be no adverse effects on the integrity of European sites or European offshore marine sites (unless there are 'imperative reasons of overriding public interest' (IROPI)).
- Options must be screened to work out if they are likely to have a significant effect on a European site or European offshore marine site based on the conservation objectives of the relevant sites and, if so, undergo an 'appropriate assessment'.
- Any option determined to have an adverse effect on the integrity of a European site or European offshore marine site should not be taken forward unless adequate mitigation measures are put in place, so that such adverse effects are avoided.
- Early analysis is best although there must be sufficient detail contained in the plan to enable a meaningful assessment to be made. If 'Appropriate Assessment' is required, it is unlikely that this will be able to be done earlier than 'preferred options' or its equivalent since before that the plan rarely contains sufficient detail. At whatever stage you do this exercise, it should be updated at each subsequent stage to confirm its continuing relevance and (if recommendations for amendments to the plan have been made) to identify the relevant changes and their implications; a clear audit trail should be kept.
- As a statutory consultee Natural Resources Wales (NRW) must be consulted. it is best if this can be done at the earliest possible stage of plan preparation but certainly before the plan is considered for approval for public consultation by the LPA as the consultation with NRW may lead to amendments of the plan.

3.2.6 The end report should enable the competent authority to confirm that the plan will not lead to adverse effects on the integrity of any internationally important wildlife sites. Ideally this would be before the deposit stage of consultation on the plan and certainly prior to submission. The plan will only be able to be adopted if it has been found to have no adverse effects on the integrity of the defined sites or if so, then, a) there are no alternatives to the plan, and, b) there are Imperative Reasons of Over-riding Public Interest (IROPI) why the plan must nonetheless proceed (see TAN5). The findings of this assessment work can be used to inform the SA, for example in assessing the impact of options on biodiversity.

⁸ <http://wales.gov.uk/topics/planning/policy/tans/tan5/?lang=en>
<http://wales.gov.uk/topics/planning/policy/tans/tan5/?skip=1&lang=cy>

3.3 Possible Exemptions from SEA

3.3.1 Chapter 2 (paragraphs 2.5 and 2.6 and Fig: 2) and Appendix 2 of the joint administrations 'A Practical Guide to the Strategic Environmental Assessment Directive' (2005) should be used to help determine whether SEA is required and possible exemptions from the Directive on a case by case basis.

3.3.2 When an LDP is revised or revoked, either in whole or part, a screening exercise will need to be performed. Where a proposed LDP revision would be a minor modification (including removal of one or more policies) or determine the use of small areas at local level, it is likely to only require SEA if judged likely to have significant environmental effects.

3.3.3 The requirement for an SEA may apply to SPG even though SPG is non-statutory, if judged to have significant environmental effects not already considered and dealt with through the SA of the LDP, for example some site briefs / masterplans. SEA Regulation 9(1) requires the LPA to follow a screening procedure by consulting the Consultation Bodies⁹ and making a determination on whether or not there are likely to be significant environmental effects. Under Regulation 11 of the SEA Regulations, within 28 days of making a determination the LPA must make it available to the public together with a statement of the reasons for reaching it and must also notify the Consultation Bodies.

3.3.4 Where the LPA determines through screening that there are likely to be significant environmental effects arising from the SPG, the SEA will then proceed to the scoping report stage. Where it determines that there are unlikely to be any such effects, the LPA is advised to also include the determination and statement of reasons during the consultation period of the draft SPG.

3.4 Stages

3.4.1 The five main stages in conducting an SA that need to be integrated into LDP preparation are:

- Stage A – Scoping. Setting the context and objectives, establishing the baseline evidence and deciding on the scope.
- Stage B – Appraisal. Developing and refining options and assessing effects.
- Stage C – Reporting. Preparing the SA Report.
- Stage D – Consulting. Consulting on the preferred option of the development plan and the findings of the SA Report.

⁹ The designated Consultation Bodies for SEA in Wales are Natural Resources Wales and Cadw.

- Stage E – Monitoring. Monitoring significant effects of implementing the development plan.

3.4.2 For plan revision, certain elements of the assessment work may not need to be repeated for example assessment of the strategy where this is being rolled forward. However the LPA will need to make clear how it has reviewed the original SA and why it has concluded that it remains valid. Detailed revisions to a plan will be subject to SA requirements and it is likely to be most appropriate to use the original methodology subject to ensuring that it remains appropriate.

3.4.3 The relationship between the LDP stages and SA tasks is shown on Table 3.2 below. The titles for some tasks have been amended slightly for clarification.

Table 3.2: The Relationship between LDP Stages and SA Tasks

LDP Stage	SA Tasks	Manual Refs:
Delivery Agreement	Consider the main SA tasks in the Timetable and identify SA consultation processes in the CIS	4.3 4.4
	Screening (for revision / replacement LDP)	5.5.1
Evidence Gathering & Objectives	Review other relevant policies, plans and programmes, and sustainability objectives	5.2.1
	Collect baseline and other information	5.3
	Identify sustainability issues and problems	5.4
	Develop the SA framework (assessment criteria/objectives)	5.4
	Prepare and consult on the SA scoping report	5.5.2
Strategic Options and Preferred Strategy	Identify realistic options	6.2
	Predict and evaluate the effects of the options in the light of the assessment framework	6.3
	Consider ways of mitigating adverse effects and maximising beneficial effects	6.3.4
	Propose measures to monitor the significant effects of implementing the LDP	6.3.5
	Prepare the initial SA Report	6.4.4
	Public consultation on the LDP preferred strategy and the associated initial SA Report	6.5.1
	Appraise significant changes from consultation	6.5.2
LDP Preparation and Deposit	Update the SA Report	7.2.3, 7.5.2
	Public consultation on the Deposit LDP and SA Report	7.4
Submission Examination & Adoption	Inspector examines plan, including compliance with legal and regulatory procedures (soundness check). Publish SA Adoption Statement; finalised SA Report	8.3.3
Monitoring and Review	Monitor for significant adverse effects and respond.	9.1, 9.2

N.B. Where the short form plan revision procedure is deemed appropriate not all stages may be relevant - see 10.2

3.4.5 Annex A provides a useful quality assurance checklist for practitioners embarking upon undertaking an SA as an integral part of LDP preparation. This should also be used as a check before submitting the deposit LDP and SA Report to the Welsh Government.

3.5 Consultation

3.5.1 The main consultation requirements in respect of LDP preparation are set out in the LDP Regulations. There are two main phases, namely:

- A participation phase where structured discussions with statutory consultees and representative groups are particularly relevant.
- A consultation phase inviting public comment on published reports for 2 stages.

3.5.2 There are specific requirements for the involvement of the Consultation Bodies (see SEA Regulations 10, 11, 12, 13, and 16), and this is particularly important in the early stages of undertaking an integrated SA.

3.5.3 The SEA Regulations identifies three main parties that must be consulted when carrying out a Strategic Environmental Assessment. These are set out below.

- “Authorities with environmental responsibility”, otherwise known as the Consultation Bodies (SEA Directive: Articles 5.4, 6.1 and 6.2). In Wales these are the Consultation Bodies at SEA Regulation 14; i.e. Natural Resources Wales (NRW)¹⁰ and Cadw (now part of the Welsh Government).
- “The public”, who should be given an early and effective opportunity to express their opinion on the draft plan and the accompanying Environmental Report before its adoption (Articles 6.1, 6.2). The public consultees are defined in SEA Regulation 13(2(b)). This will be achieved through the public consultation stages of the plan, namely on the Preferred Strategy Proposals Documents and the initial SA/Environmental Report, and the Deposit LDP and updated SA/Environmental Report.
- Other EU Member States, where the plan or programme is likely to have significant effects on the environment of that country (Article 7, and SEA Regulations 14 and 15). Such effects from LDPs are expected to arise only in exceptional cases, although it would be common practice to consult with any adjoining English statutory interests (local authorities, equivalent Consultation Bodies, Government Offices, etc).

¹⁰ Formerly the Countryside Council for Wales and the Environment Agency Wales.

3.5.4 The role of the Consultation Bodies is particularly important in meeting the requirements of SEA. The Consultation Bodies have outlined on their web sites how and in what timescale they will endeavour to respond to an authority's requests for comments at the four consultation stages prescribed in the SEA Directive and Regulations, namely:

- Screening (Article 3(6) and SEA Regulation 11).
- Scoping (Article 5(4) and SEA Regulation 12).
- Reporting (Article 6(2) and SEA Regulation 13).
- Decision to adopt (Article 9(1) and SEA Regulation 16).

3.5.5 The Consultation Bodies focus their efforts at scoping stage. At the reporting stage they will normally check on the extent to which any earlier advice has been taken into account.

3.5.6 Table 3.2 links the LDP consultation processes with those relevant to the SA process. Cross-references are given to the relevant sections of this Manual containing a more detailed description.

Table 3.3: LDP Consultation Requirements and Main Stages of SA Consultation

LDP Stage & related LDP / SEA Regulations	LDP Consultation	SA Consultation
Delivery Agreement (LDP Regs 3, 5 & 7)	Engage / consult relevant stakeholders on draft Delivery Agreement as appropriate; include on web-site. (sections 4.2, 4.5.2.3)	Discuss Timetable and CIS with the Consultation Bodies. Consider setting up a technical reference group to oversee the SA elements of the integrated assessment work. (sections 4.3.2f & 4.4.2.6)
Evidence Gathering & Objectives (LDP Pre / Reg 14, 26A; SEA Reg 12(6))	Involve community groups, social, economic and environmental interests as the LPA considers appropriate (section 5.3) Call for candidate sites and develop register. (section 5.3.4)	Early involvement of the Consultation Bodies. Consult on the SA Scoping Report 5 week consultation period. (section 5.5.2)
Strategic Options and Preferred Strategy Pre-Deposit Participation / Pre Deposit (LDP Reg 14, 26A; SEA Reg 12)	Involve the specific LDP consultation bodies and general consultation bodies (section 6.2.4). Suggest possible methods of public involvement such as focus groups etc and making info	Continued involvement of technical reference group, which is likely to include one or both Consultation Bodies.

	available on the web.	
Pre-Deposit Public Consultation (<i>not for short form revision</i>) (LDP Reg 15/16; SEA Reg 12)	Publish & consult on LDP pre-deposit proposals documents (including preferred strategy, candidate sites register & review report) (statutory 6 weeks). Use website; consult specific and general LDP consultation bodies; notifications. (section 6.5)	Public consultation on the LDP Preferred Strategy and (initial) SA Report (which includes information/cross references to option assessment) (SEA statutory minimum 4 weeks). (section 6.4.4)
LDP Preparation and Deposit (LDP Reg 17-19, 26B-D; SEA Reg 12-13)	Formal deposit of draft LDP – publish & consult (statutory 6 weeks) Use website. Consult specific consultation bodies and general consultation bodies. Notification (section 7.4).	Public consultation on the draft LDP and (updated) SA Report (SEA statutory minimum 4 weeks). (section 7.2.3; 7.4.2)
Submission, Examination and Adoption (LDP Reg 22, 26E; SEA Reg 16)	Submit LDP and SA Report (sections 7.6 and 8.3). Independent examination by Planning Inspector(s) (section 8.4). Copies of LDP, SA Report & adoption statement to be made available to specific and general consultation bodies etc (section 8.4).	Publish final SA Report and adoption statement. Inform the Consultation Bodies. (section 8.4.2)
Monitoring and Review (LDP Reg 37)	Submit Annual Monitoring Report (including SA monitoring results) and publish on website (section 9.4). Engage LDP consultation bodies during review as appropriate. (section 10.1.4)	Engage Consultation Bodies during review as appropriate. (section 10.1.4)

N.B. Where the short form plan revision procedure is deemed appropriate not all stages may be relevant - see 10.2.

4. Delivery Agreement

4.1 Role of the Delivery Agreement

4.1.1 Delivering a fast and responsive approach to plan making means committing in advance to a challenging programme and to the way in which stakeholders will be involved in the process.

4.1.2 The Delivery Agreement is a succinct public statement that contains a **Timetable** for preparing an LDP or a Revision of an LDP following a review and the **Community Involvement Scheme** (CIS), setting out how and when stakeholders and the community can contribute.

4.1.3 Local planning authorities will need to think through the aims, scope and priorities for the LDP and the most effective forms of involvement, with emphasis on structured, evidence based, dialogue with key stakeholders about the options.

4.1.4 The **key principles** that underpin community engagement in the LDP process are:

- i. creating the conditions for early involvement and feedback at a stage when people can recognise a chance to influence the plan;
- ii. encouraging the commitment of all participants to an open and honest debate on realistic development alternatives in the search for a consensus; and
- iii. recognising the need to adopt approaches for engaging the community, including business, which seeks to involve those not normally involved.

4.1.5 Once agreed, **the Delivery Agreement commits the LPA to produce its LDP or Revision according to the stated timescales and consultation processes.** Corporate scrutiny arrangements, independent of the plan making team, should be set up to monitor progress. Regulation 9(6) stipulates the grounds under which an LPA need not comply with a particular requirement of its CIS; i.e. if the LPA has reasonable grounds to believe that it is not likely to prejudice any person's opportunity to be involved in the exercise of the LPA's functions under Part 6 of the 2004 Act if it does not comply with that requirement. Any significant deviations from the agreed Timetable and CIS (not agreed previously by the Welsh Government and published) will potentially be examined by the Inspector (see 8.2.1).

4.1.6 The Delivery Agreement is an essential **project management** tool for the authority, and it will:

- Underline the importance of the LDP within the authority.
- Set out the realistic limit of what the authority can reasonably do within time and resources, i.e. it will frame expectations.
- Clarify the scope and influence of the plan, explaining opportunities that it will provide for local discretion as well as the need to respect national policy and statutory designations etc.
- Secure budget commitment and staff resources.

- Allow co-ordination with the preparation of other strategies and documents;
- Set the framework for an integrated SA of the LDP, in terms of resources and management of the SA process; and
- Alert the community to the process of involvement in the creation or revision of the LDP, and outline generally how they can contribute.

4.1.7 Some of the tasks set out in Chapter 5 (Evidence Gathering and Objectives) which are not part of on-going survey work or monitoring can be undertaken at the same time as preparing the Delivery Agreement.

4.2 Consultation on the Delivery Agreement

4.2.1 The LDP Regulations outline the minimal requirement for engaging others in the formulation of the Delivery Agreement. Throughout the preparation of the Delivery Agreement it is recommended that on-going discussions are held with the Welsh Government, and with other statutory consultees, so that roles and responsibilities are understood and realistic timetables are developed. LPAs should consider the most appropriate level and form of consultation on their Delivery Agreement to suit the local context; it should be proportionate and timely and not delay plan preparation. An LPA may choose to consult on its draft Delivery Agreement with adjacent LPAs and local or national interest groups. The requirement is for such local interests to have been engaged in its preparation, as the Authority considers appropriate (Regulation 5).

4.2.2 In relation to revision of an LDP – see 4.5.2.3.

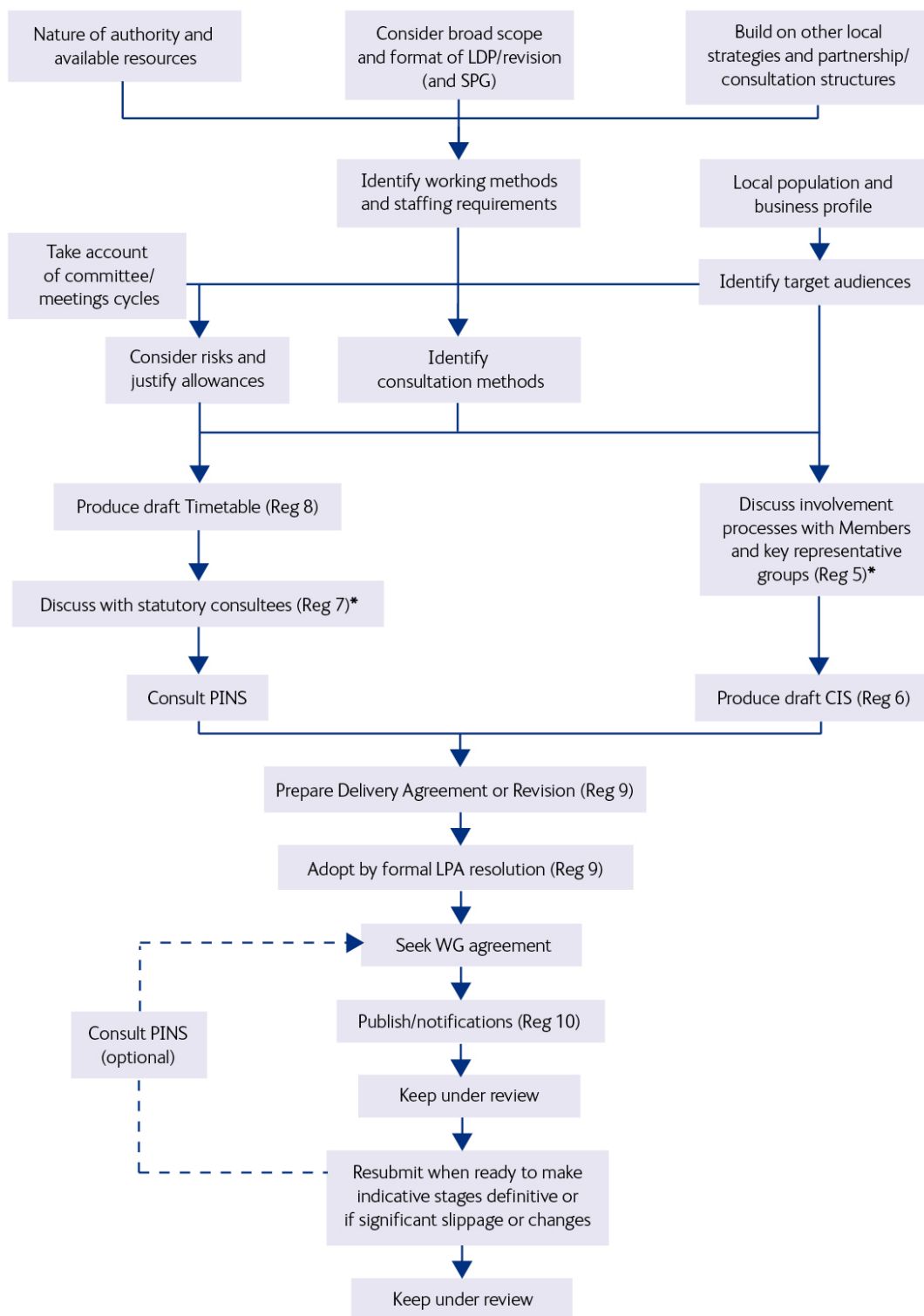
4.3 Timetable – Practical Issues in its Preparation

4.3.1 Ensuring a realistic timetable and managing risk

4.3.1.1 Definite start and end dates should be identified for those stages prior to the deposit of the LDP. Until resubmission of the DA, indicative timings can be used for the post deposit stages. There are many factors that need to be taken into account in estimating these timings - as discussed below; of overriding importance is the need to be realistic about what can be achieved within particular timescales and with the resources available.

4.3.1.2 It is vital that LDPs and subsequent revisions are produced expeditiously to ensure they are kept up-to-date, as well as ensuring that consultees stay engaged during plan preparation and minimising the number of contextual changes during that time. Sufficient time for participation must be factored into the timetable at the early stages when it will be most effective.

Figure 4.1: The Delivery Agreement



*Whilst Regs 5 and 7 do not apply to LDP revision, the LPA should consider whether any engagement or consultation is appropriate, including with regard to the SEA Consultation Bodies

4.3.2 Considering factors that might influence the timetable

There are various aspects to consider before a Timetable is produced:

a. Member decision taking: A major influence on any timetable is the way in which Member decision taking will be organised. Preparing a plan is a statutory duty and the timetable is a public commitment by the Authority so it is vital that roles and responsibilities are clear and effective arrangements are put in place so decisions are made expeditiously. For example, using a Members' steering group or a Cabinet Member to sign off intermediate stages of plan preparation will provide flexibility. Where draft documents need to be approved by a full Executive or Council, appropriate provision needs to be made for relevant cycles or special meetings. It needs to be clear when the Delivery Agreement is approved by the Authority that plan preparation will involve tough, evidence based and timely decision making to meet the Authority's commitment. Election periods and any subsequent training of new Members as well as any anticipated internal restructuring should be taken into account.

b. Integration with other strategies: Authorities should consider how LDP preparation will relate to the timetables for preparing other regional or local strategies. Targeted discussions should be held with these policy-making partners, given that the LDP may be one of the means of delivering these strategies (and vice versa). Account should be taken of the meeting cycles of key local partnerships in scheduling dialogue and feedback at milestone stages in LDP preparation. It may be helpful to present the timetables for other key strategies alongside an outline of the LDP timetable. There may be scope for dovetailing tasks e.g. participation held jointly with updating the SIP or NPMP.

c. Broad LDP content: An understanding of the broad scope and format of the LDP or the Revision proposed should be developed before estimating a timetable. Given that authorities are not starting from scratch, it is critical to review the existing plan as part of this process, including:

- Its status and extent to which it is up-to-date.
- Its consistency with national planning policy and EU Directives (as transcribed into appropriate Regulations).
- Its relationship with the Wales Spatial Plan, other relevant national strategies, the SIP / NPMP, and other area strategies.
- How well it promotes and delivers sustainable development.

d. The need for key SPG: The need to review or add key SPG should be part of the consideration of the form of the LDP and should, where possible, be reflected in the Timetable. The aim of producing succinct LDPs (see section 7.3 of this Manual) means that new SPG may be necessary to support the plan strategy or policies, or to provide more detailed guidance on major site allocations; consideration must be given to the need for SEA and HRA.

e. LDP working methods: A view should be formed on how the LDP/Revision will be produced. The following factors should be considered when programming the LDP production process:

- The time allowed for the main technical studies required to refine and/or supplement a robust evidence base, and who will undertake this work.
- Joint work with an adjoining authority or regional grouping, e.g. information gathering/monitoring.
- The time required for translations, where applicable.
- The type and level of community involvement.

f. SA Working methods: early consideration should also be given to:

- How the iterative SA work is to be integrated and organised given resources and skills available;
- The time needed to supplement in-house resources or commission and brief consultants where necessary.
- The availability of baseline information within and outside the LPA and, when necessary, the need to supplement it.
- The appraisal methods to be used and any additional assessments needed (e.g. disability, health and Welsh language assessments).
- The statutory consultation time for SEA and the capacity and timescales necessary for inputs from the Consultation Bodies and other relevant organisations.

g. Resources: Having identified the process and general requirements for the LDP and integrated SA process, discussions should be undertaken with policy partners and LPA colleagues to secure an appropriate level of resources to form or maintain an LDP team and undertake technical work necessary to fill gaps in the evidence base. Consideration should also be given to the need for additional resources to deal with any anticipated peaks in workload, e.g. administrative staff for cataloguing representations, and professional staff for the examination. It may be appropriate to allocate staff with expertise in public consultation to help during intensive periods of community involvement, and/or second staff into the LPA from external organisations. The estimated cost of the examination, including for the Inspector and Programme Officer (see section 8.3.1), needs to be incorporated in the authority's budget.

4.3.3 Managing Risk

4.3.3.1 Authorities should consider including a note on risk assessment as an appendix to their Delivery Agreement.

4.3.3.2 Areas of risk and/or uncertainty should be identified in any programme, and contingency arrangements considered to keep plan preparation on track.

The risks associated with staff turnover, particularly where an LDP team is small, also need to be considered, as do those associated with the capacity of Consultation Bodies to cope with responses where several plans are being prepared in one locality.

4.3.3.3 Building in a small amount of flexibility before triggering the need for a formal change in the agreed Timetable is advisable. This needs to be agreed with the Welsh Government, it is not expected that the degree of tolerance would normally exceed more than 2 months; this allowance would apply to the entire process and is not cumulative.

4.3.4 Preparing the Timetable

4.3.4.1 This section sets out the sequence of main tasks that need to be completed in preparing the timetable.

4.3.4.2 **Translate stages into a timeline format.** Information about the timing of different stages could be produced in Gantt chart format, with a final column giving information about resources committed. Project management software (such as Microsoft Project) may be useful. Project management is an ongoing process and should be used to regularly check progress against milestones, completion of critical tasks, task interdependencies, risks, etc.

4.3.4.3 Although full information should be provided to the Welsh Government about the numbers of staff and financial costs committed to LDP preparation, only the former is needed for the published version. One way of handling this would be to include financial information in a business plan annex. Alternatively an executive summary of the full DA could be used as the document for publication and wider circulation.

4.3.4.4 **Discuss the programme with key policy-making partners and statutory consultees.** This ensures that LDP preparation is integrated with the timescales envisaged for preparing other associated strategies, allowing any economies of scale to be explored, e.g. joint consultation on a major development proposal. It also warns agencies and partners when a contribution will be expected from them, allowing them the chance to programme this work, and consider whether any of their staff could assist in the preparation. The timetable should highlight the desirability of early submissions of potential development/candidate sites at the evidence gathering stage.

4.3.4.5 **Consult the Planning Inspectorate.** This allows a check to be made on the likely availability of an Inspector to examine the LDP, and allows the Planning Inspectorate to plan their workload. It is essential when indicative stages are resubmitted as definitive. It also provides a check on whether sufficient time has been allowed for the various pre and post examination periods.

4.3.4.6 Subsequent finalisation and submission stages are covered in section 4.5.

4.4 Community Involvement Scheme - Practical Issues in its Preparation

4.4.1 Initial considerations

4.4.1.1 A key objective of the LDP system is to seek greater consensus and strengthen community involvement in evidenced based plan making. Plan preparation offers the opportunity to rethink ways of engaging the community in strategic issues, and to seek involvement early in the LDP preparation process when it will be most effective.

4.4.1.2 Structured stakeholder discussions are favoured in the development of the vision, objectives and options so that there is a realistic chance of an iterative dialogue within the time scale. Such discussions can usefully be led by internal or external facilitators. This method should be evidence based and avoid unduly raising expectations. Setting up a key stakeholder group to act as a sounding board throughout the preparation process can be one way of achieving structured discussions. This group could be based on the authority's existing Local Service Board. Joint Liaison Groups could help in the early stages of plan preparation to identify effective means of engagement with voluntary and community interests.

4.4.1.3 It is beneficial to test public consultation results against those of a control group of the wider public, such as a citizens panel or forum. Respondents to consultation exercises often have very strong views (generally objections) from a personal perspective. A control group on the other hand is structured to be representative of the wider community. Their views would form part of the evidence base for the plan.

- Issues for the CIS

4.4.1.4 LPAs should address the following questions in preparing their CIS:

- **Upon what type of document is community involvement sought?** (e.g. LDP, LDP revision, SA and different types of SPG, with effort expended on involvement being proportionate to the document under preparation, and its stage of preparation).
- **How and when will community involvement be sought?** (ensuring engagement is focused at stages when there is most opportunity to influence the plan, differentiating between formal and informal methods, pro-active participation and consultation; considering use of the Welsh language in communications).
- **Who will be involved?** (profiling the community and identifying the most appropriate range of interests, particularly hard-to-reach groups who do not usually participate in plan preparation).

4.4.1.5 There is no single right answer to these questions. The CIS must reflect local circumstances and recognise the limits of an authority's resources, and the limits to

what engagement exercises can achieve. Expectations should not be raised beyond what can be delivered.

4.4.1.6 It is also necessary to pitch the document appropriately. Too general and it will not provide sufficient guidance to communities how and when they can contribute. Too prescriptive, and it may have resource implications for all parties involved, as well as the risk of becoming out-dated.

4.4.1.7 Before preparing the CIS, it is useful to consider any local opportunities or barriers to participation and general issues surrounding access to information. This includes the effects of population distribution and density, public transport accessibility as well as publication and photocopying costs. This may help to stimulate ideas about innovative ways of reaching different sectors of the community.

4.4.2 Tasks in preparing the Community Involvement Scheme

4.4.2.1 This section sets out the sequence of main tasks for preparing a CIS.

4.4.2.2 **Identify target audiences.** Authorities should consider the profile of their community (including Welsh language preferences), identifying all sections and representative groups. They should then consider how these groups might be engaged in LDP preparation, especially those which tend to be under-represented. In many cases this may be through representatives of existing organised groups or through existing structures of the Authority. For under-represented sections of the community, such as young people, Travellers and Gypsies, and other ethnic minority groups, it may be necessary to take expert advice on the best ways of engaging such groups.

4.4.2.3 **Assess resources available.** Managing participation can be a time-consuming task, and it is important that the LDP team is not overstretched. However, the importance of ensuring quality involvement, especially at the early stages of the LDP process, cannot be understated. Resources will need to be balanced with other production and management tasks. Authorities need to consider how they can make the most effective use of resources by e.g. employing external facilitators, combining capacity-building exercises with other initiatives like the SIP / NPMP or developing a consultation database for the authority as a whole. Authorities should also build some flexibility into their CIS to allow additional work to be undertaken if substantive issues emerge.

4.4.2.4 **Consider which methods of community involvement to deploy and when.** Most effort should be expended in setting out how the authority intends to seek consensus in a structured dialogue. This will include identifying the use that will be made of any local citizens panels or registers of interested people. LPAs should consider carefully the costs and benefits of the various methods. Those which most effectively provide more structured output will contribute most to the evidence base and soundness of the plan. Good practice advice is available from the RTPI¹¹, and

¹¹ Guidelines on Effective Community Involvement and Consultation (2007) RTPI and the Consultation Institute; RTPI Good Practice Note 1 www.rtpi.org.uk

the Participation Cymru scheme¹². Clarity of purpose and links to plan preparation will be essential.

4.4.2.5 Discuss involvement processes with Members and key representative groups. This should identify where there is likely to be a high level of interest, and limitations on the opportunities and ability of the community and stakeholders to get involved in LDP preparation. Such discussions are themselves useful to generate local interest, identify aspirations and priorities, and manage expectations in terms of involvement in the process. These interests may already be represented on the existing Local Service Board, in which case it would be efficient to use this body (see section 4.4.1.2).

4.4.2.6 Consider consultation methods to be used in the SA. Agreement should be reached with the Consultation Bodies as to the most effective way of achieving their inputs. This could for example be through their involvement on a technical reference group to oversee the integration of SA work. This would be in addition to the formal requirement through SEA Regulations to consult them at defined stages in the process. Consideration should also be given as to the best way of involving organisations representing economic and social interests.

4.4.2.7 Identify commitments to reporting back. This will vary, depending on the consultation method used. Where facilitated sessions have taken place with key stakeholders, a summary of findings and action points should be circulated to participants within a reasonable period. Authorities should identify ways of disseminating information on the general progress being made in plan preparation, e.g. placing newspaper articles, keeping their website up to date.

4.4.2.8 Authorities should set out minimum standards for acknowledging written comments (including e-mails, petitions¹³ and circular letters). It would also be helpful to include in this letter information on the next stages of the process. Formal representations at the deposit stage must be publicly available at LPA offices and details of where they can be inspected posted on their web site in accordance with Regulation 19 in respect of the deposit plan (see section 7.4.4).

4.4.2.9 Authorities should also incorporate the means of community involvement in preparing different types of SPG (topic-specific, development briefs or design guides).

4.4.2.10 Guidance on incorporating the results of consultation into the Consultation Report is covered in sections 6.6, 7.5.1 and 8.2.2.

¹² Further details are available from the Welsh Council for Voluntary Action website <http://www.wcva.org.uk/training-and-events/participation-cymru>

¹³ At examination Inspectors usually recommend that the LPA follows its normal public engagement procedures in line with its CIS. The chief petitioner should normally be treated as the sole representor. The full petition must be submitted in its original form (subject to any necessary redactions), but there should be no need for the LPA to separately record or catalogue the names/contact details of petitioners.

4.4.3 Content and format of the CIS

4.4.3.1 The content of the CIS is prescribed in LDP Regulation 6. The CIS should identify the 'principles' of the authority's LDP participation strategy and list all those general and specific consultation bodies to be involved in LDP preparation. These are identified in LDP Regulation 2. There is now no requirement to give notice by local advertisement in a local newspaper; however, an LPA may decide that this is an appropriate method for its particular circumstances.

4.4.3.2 Where there is a multiplicity of groups in an LPA, only the key groups need to be listed; other categories can be covered in a generic fashion. For LPAs with a smaller number of groups, specific groups should be named but with a caveat that relevant new groups may form after the CIS is drawn up.

4.4.3.3 The most straightforward way of setting out the intended involvement techniques is to use a table format. Each row can show a stage in the LDP process, with the columns showing the type of involvement methods, techniques, the timing and resourcing proposed.

4.4.3.4 Requirements and considerations for the content of the CIS are as follows:

- CIS Overview:

- i. The CIS must cover the matters listed in LDP Reg 6 and identify the 'principles' of the authority's LDP participation strategy.
- ii. Any authority corporate standards, standing community engagement arrangements e.g. citizens panels, SIP or NPMP consultation arrangements, other authority strategy/plan consultation exercises that overlap or are relevant.
- iii. Role of the LPA, officers, Executive and Members.
- iv. Statement on approach to building consensus and access to the process by hard-to-reach groups.
- v. Expectations of statutory consultees, agencies, third parties/participants.
- vi. Potential for joint working or use of existing or previous LA consultation exercises.
- vii. Use of the Welsh language in communications.

- Seeking Consensus:

- i. Detailed arrangements/programme for early dialogue aimed at seeking consensus on the evidence and developing a sound deposit plan.
- ii. Means of securing the participation of key stakeholders and a relevant cross section of community interests, including the generic composition of any citizens/stakeholder panels.
- iii. Participation arrangements for the early plan stages when engagement is most effective and the authority is able to refine the plan, including an

- explanation of measures to improve access by hard-to-reach groups. Formal consultation provisions for the other plan stages.
- iv. Generic format/structure of proposed events and exercises and output expected.
- v. Feedback mechanisms for informing participants and consultees of outcomes and impact consultation.
- vi. Transparent mechanism for considering output and for using outcomes to inform draft plan/policies/guidance.

- Annexes to the CIS could include:

- i. Standard publicity arrangements including the authority's website:
- ii. Report of any consultation on proposed CIS.
- iii. List of consultation/stakeholder bodies/groups.
- iv. List of partnerships relevant to the authority.
- v. Profile and characteristics of community.
- vi. An overview of risks and contingencies.
- vii. Glossary

4.5 Delivery Agreement - Finalisation and Review

4.5.1 Submission of the Delivery Agreement

4.5.1.1 Before submission of the Delivery Agreement, the Timetable and CIS should be brought together to form the Delivery Agreement. This should be approved by a resolution of the LPA in accordance with Regulation 9.

4.5.1.2 The Delivery Agreement submitted to the Welsh Government for agreement should be accompanied by a brief supporting commentary which identifies how the Welsh Government's assessment criteria have been met (see Annex A). The Welsh Government's role is to ensure it is robust, realistic and covers the main plan preparation requirements. Once agreed, the Delivery Agreement must be publicised with copies made available for inspection at the principal offices of the LPA and on its web site, in accordance with Regulation 10. Two hard copies and an electronic copy of the final published version of the Delivery Agreement should be sent to the Welsh Government.

4.5.1.3 The LDP web-site should be kept up to date and make clear what stage of plan preparation has been reached.

4.5.2 Keeping the Delivery Agreement under Review, Re-submission and Revision

4.5.2.1 (See 4.1.5) Authorities must meet timetable targets. Only exceptionally should a revised timetable be considered (i.e. where there are factors beyond an authority's control and where it is outside the limit of tolerance set out in the Delivery Agreement (see section 4.3.3.3)). In these limited circumstances details of any agreed changes should be posted on the LDP web-site.

4.5.2.2 After the LDP has reached deposit stage an updated timetable, turning the indicative timings into definitive timings for the remaining stages, should be submitted to the Welsh Government for agreement and when agreed, publicised; two hard copies should be sent to the Welsh Government.

4.5.2.3 For the preparation of an LDP Revision (both the full and short form revision procedures – section 10.2), and further to the conclusions of the Review Report, a revised Delivery Agreement will be necessary; a separate Timetable will be required and parts of the CIS may need to be revised. Whilst Regulations 5 and 7 do not apply to a revision (Regulation 3), the LPA should consider whether any engagement or consultation is appropriate. The Delivery Agreement should be submitted to Welsh Government at the start of the process; following agreement, the LPA must publicise it and notify all the specific consultation bodies, and such of the general consultation bodies as the LPA considers appropriate, that the Delivery Agreement has been revised. (Regulations 9(4A)&(5), & 10(2))

4.5.2.4 The Welsh Government monitors LDP progress on a biannual basis, comparing progress against the Delivery Agreements.

4.6 Summary of Tasks in Preparing the Delivery Agreement

Integrated LDP Tasks	SA Specific Tasks
Discuss timetable with key policy making partners. Engage / consult relevant stakeholders & statutory consultees on draft Delivery Agreement (timetable & CIS) as appropriate. Include on web-site. (sections 4.2, 4.5.2.3)	Discuss Timetable and CIS with the Consultation Bodies. Consider setting up a technical reference group to oversee the SA elements of the integrated assessment work. (sections 4.3.2f & 4.4.2.6) Develop and agree SA methodology (SEA should be integrated within SA provided requirements of SEA Regs are satisfied).
Agree DA with Welsh Government. Publish.	
Keep under review. Define indicative timings after deposit consultation. (section 4.5.2.)	

N.B. Where the short form plan revision procedure is deemed appropriate not all stages may be relevant - see 10.2.

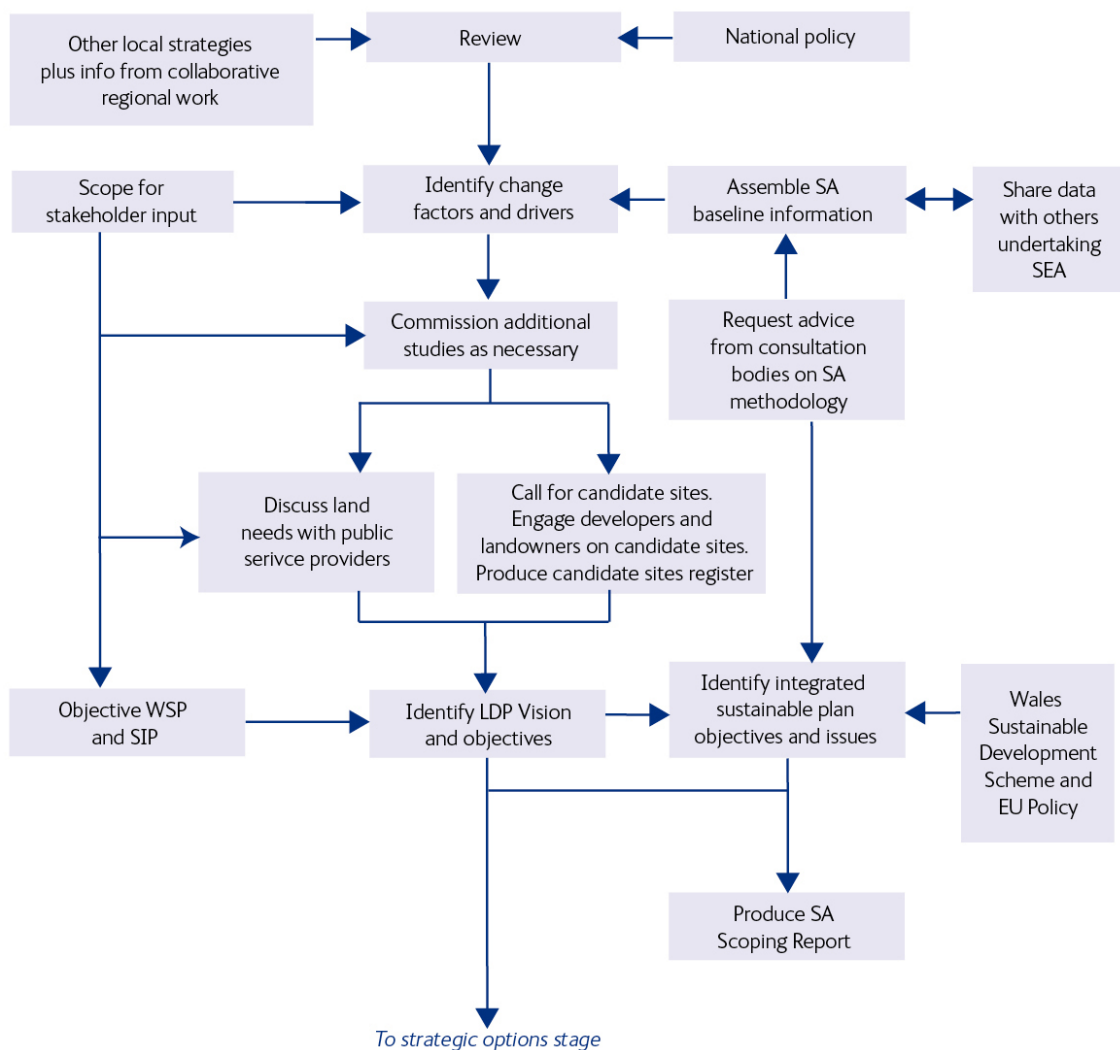
See Table 3.3 for consultation requirements.

5. Evidence Gathering and Objectives

5.1 Introduction

5.1.1 LDP preparation should be a responsive and iterative process which involves strengthening the evidence base and related monitoring frameworks to ensure that plans are relevant and up to date in terms of evolving national policy and changing circumstances and are better informed. This chapter focuses on some preparatory tasks that the LPA will either already be undertaking as part of ongoing survey work or should carry out in parallel with and/or immediately after preparing the Delivery Agreement (or refreshing it for an LDP revision).

Figure 5.1: Evidence Gathering and Objectives



5.1.2 These tasks are designed to understand the broader context, to review, and if necessary supplement data, in order to identify the main issues and objectives to be addressed in the LDP and to establish the foundations for the plan.

5.1.3 As part of the SA process an evidence base is required in order to inform the appraisal of options and the emerging plan. The evidence required to develop the plan and undertake the SA is very similar and the plan and SA evidence bases can, in practice, be effectively brought together.

5.1.4 The evidence gathering must be kept focused, proportionate and directly relevant to the intended land use content of the plan. It should be limited to that needed to justify the plan. Wherever possible, studies should be undertaken jointly with neighbouring authorities. Some evidence such as housing requirements and viability will need to be reviewed and up-dated on a regular basis throughout the plan preparation process.

5.2 Review

Several components need to feed into the identification of key issues to be addressed in the LDP. These need to be recorded to form part of the evidence base on which the LDP is founded.

5.2.1 Reviewing the wider policy context

5.2.1.1 The challenge is to build on and add value to other strategies and policies rather than to undermine or duplicate them. In some cases, explicit cross references will be appropriate. The LDP introduction should acknowledge this.

5.2.1.2 It is important to consider national - and international - policy and how this has changed since the extant development plan was prepared. Relevant considerations include:

- Have there been any new policy approaches adopted (e.g. new editions of Planning Policy Wales, and Minerals Planning Policy Wales, emerging/new adopted Technical Advice Notes or EU Directives) and/or new designations (e.g. European or national wildlife sites) that need to be taken on board?
- Are there any implications from the well-being goals specified in the Well-being of Future Generations (Wales) Act 2015?
- Is national policy sufficient? The LDP should not replicate national policy (in PPW, MPPW) unless it requires to be interpreted at the local level (see 7.2.2.3 on policy drafting).
- What role does the Wales Spatial Plan foresee for this area?
- Are there any initiatives or broad locations arising from other Welsh Government work that need to be taken forward (e.g., Regeneration Strategies and action plans)?
- Are there any mechanisms or proposals within the Environmental Strategy or Wales Transport Strategy that need to be reflected?
- Are there any implications arising from the Welsh National Marine Plan?

- The Local Transport Plan may have initiatives that should be reflected in land-use policy, or deliverable transport proposals for which safeguarding measures are needed.
- Are there any proposals from the Welsh Government's overarching waste strategy for Wales, "Towards Zero Waste - One Wales: One Planet", relevant 'Sector Plans', especially the Collections, Infrastructure and Markets (CIM) Sector Plan, or regional waste monitoring for which provision needs to be made?
- Are there any implications arising from the Regional Technical Statement for Aggregates?
- Is there any guidance or useful data from other regional strategies and/or cross-border plans or work, for example regional regeneration strategies?

5.2.1.3 Reviewing other plans and programmes is an essential part of SA. No list of such plans, programmes or objectives can be definitive, but relevant plans and programmes may include: land use or spatial plans, plans dealing with aspects of the physical environment, plans and programmes for specific sectors. The SEA Regulations specifically requires environmental protection objectives established at international, European Community or national levels to be taken into account. SEAs conducted on national strategies will have identified environmental protection objectives from international documentation and this work should not be duplicated at the LDP level. A focused approach is necessary to this task at the national/regional level to provide a useful input in a timely fashion and joint working or information sharing between LPAs should be possible. Each LPA must of course be responsible for its own review of local documents. These relationships need to be kept under review as the SA Report progresses and the report should clearly document where the review of plans and programmes work can be found in the LDP background documents.

5.2.2 Reviewing the local context

5.2.2.1 LDP policies and proposals should be founded on a thorough understanding of the area's needs, opportunities and constraints (PPW 2.5.4). This involves identifying economic, social and environmental changes since the previous plan was produced as well as the characteristics of the existing population. Once an LDP is adopted this information should be available from the Annual Monitoring Report series. Account should also be taken of trends more readily apparent at the regional scale such as population movements and housing markets. Elements of this work which equate to part of the SA baseline should be identified in the SA Report.

5.2.2.2 Existing planning policies should also be reviewed, for example the frequency of their use in development management decisions and/or their effectiveness in recent appeals.

Policy context review – Tips

- Only review plans and strategies that are directly relevant
- Identify sustainability objectives contained within relevant documents and clearly highlight them
- Avoid including international and national strategies where their requirements have been translated by regional and local documents
- Ensure that the documents reviewed are the most up-to-date versions
- Identify opportunities for cooperation with other LPAs since the implications of higher level plans will frequently apply to LDPs prepared by neighbouring authorities
- Bear in mind that the statutory consultees will want to see documents relevant to their areas of interest included in the review
- Distil the key messages from the context review including the sustainability objectives identified and use these as a checklist when preparing the LDP to ensure that it takes into account everything that it needs to

5.2.3 Reviewing local strategies

5.2.3.1 The relationship with the statutory SIP is particularly important because they provide the overarching strategic policy framework for the local authority area. Where a SIP area overlaps with a National Park it is important that the SIP(s) dovetail(s) with the NPMP. An LDP should provide the land use expression of the shared vision of how an area will change. Those responsible for LDP production should consider the SIP and NPMP (where relevant) to identify those aspects which need to be expressed spatially. If there are conflicts or gaps between the SIP and the LDP 'vision', the Local Service Board should be engaged in discussions about consistency between them.

5.2.3.2 Other operational plans should also be reviewed to identify whether there are proposals for new facilities specific to a particular locality. If so, these should be translated into land-use terms within the LDP to assist delivery of these other key local strategies.

5.2.3.3 Similarly there may be aspects of the Local Biodiversity Action Plan, and local housing, economic development, tourism, health and safety, or regeneration strategies that could be facilitated through land-use policies or proposals.

5.3 Developing the Evidence Base

5.3.1 Overview

5.3.1.1 S61 of the 2004 Act requires local planning authorities to keep under review matters affecting development in their area including principal physical economic social and environmental characteristics, size and distribution of population, communications and transport, etc and relationships with neighbouring areas. This on-going survey work will form a substantial part of the evidence base of the plan. This is a separate duty to the preparation of LDPs under S62 of the 2004 Act and this survey work will have benefits for development management and corporate functions as well as for LDPs.

5.3.1.2 Authorities should identify the key matters that they need to keep under review to meet their duty under S61 taking account of SA and LDP preparation requirements and the LDP monitoring framework once this is in place. Arrangements should be made for the survey work to be undertaken on an on-going basis with regular updates and on a regional basis where appropriate.

5.3.1.3 Some S61 and other information needed will be generic to an area larger than the individual planning authority. Hence there are considerable benefits in pooling resources and sharing information. Joint work with those preparing other plans or strategies should be undertaken.

5.3.1.4 Robust evidence must be ready and available at a time when it can inform the work of preparing an LDP as options are developed and assessed and decisions are made. It should not be produced later to justify pre-conceived policies or proposals but the evidence base must be kept up-to-date and reviewed throughout the preparation process so that the LPA can show that the plan's proposals continue to be supported by the evidence. Being able to demonstrate that the plan is based on robust evidence is a key soundness requirement (see section 8.2.1). To minimise the potential for circumstances to change or new evidence to become available late in the process the transition from deposit plan to examination should be undertaken quickly.

5.3.1.5 Before assembling or commissioning survey work the LPA should take a step back and consider carefully what an LDP is able to deliver and what it wants the plan to achieve. It should identify broadly the type of policies and proposals it intends to bring forward and then set the scope of the evidence base it considers it will need. This will focus the exercise and also allow other parties the opportunity to comment on the evidence at the outset of the process when they can be addressed. Key stakeholders and partners should be asked to consider the adequacy of the existing information and any gaps that should be addressed and then filled quickly.

5.3.1.6 Authorities could issue a 'call for evidence' and invite the submission of third-party data, e.g. from environmental organisations with bio-diversity information or the Home Builders Federation which may be able to provide information on the potential demand for additional housing and surveyors or employers organisations with knowledge of business/industrial space supply and demand.

5.3.1.7 Third parties should be advised that if they hold relevant evidence it needs to be brought forward early in the process if it is to be properly considered. Where other stakeholders want to see particular proposals included in a plan then they should provide supporting evidence in a timely fashion. Without evidence the LPA will not be able to accommodate the requirement and plan making should not be delayed for this reason.

5.3.1.8 What constitutes a robust/up-to-date/proportionate evidence base for an LDP is a matter for the Authority to determine depending on the nature of the area and the intended scope and content of the plan. The Authority must satisfy itself that it has sufficient evidence to justify why it made particular choices and that the evidence will stand up to scrutiny at the examination. Ultimately whether the evidence base is appropriate will be a matter for the Inspector at examination to determine.

5.3.1.9 Some of the matters that may need to be considered are outlined below. Advice is also provided in PPW and Planning Inspectorate's Guidance.

5.3.1.10 In order to keep the evidence gathering exercise proportionate it is important to understand how it will be used to:-

- Help identify sustainability and other land use issues and problems which the plan should seek to address.
- Provide the baseline for predicting the effects of alternative LDP strategies at the strategic options stages and to identify the change that is likely to occur without new LDP policies (the "do nothing" or "business as usual/current policies" scenario required in SEA).
- Provide a benchmark against which future plan/sustainability monitoring can take place

5.3.1.11 The evidence base should describe the current state of the social, environmental and economic characteristics of the area likely to be significantly affected by the plan.

5.3.1.12 Besides focusing on the existing characteristics of the area the evidence base of the LDP will need to include baseline information on a wider range of factors including the analysis of the future needs and demands on the area, and issues driving change.

5.3.1.13 It is important to ensure that the evidence base incorporates the requirements of the SEA Regulations 2004 Schedule 2 which outlines the range of environmental matters that need to be considered. These Regulations require environmental matters to be considered in greater depth than social or economic matters. However it is important that LPAs compile a sound understanding of social and economic baseline conditions.

5.3.1.14 Overall evidence requirements must be kept proportionate, focusing on providing the information to support key decisions about the plan's main provisions. In time, future monitoring and plan review will provide an opportunity for further refinement.

5.3.1.15 The focus should be on characteristics that can be directly affected by land-use plans, which can then feed into the subsequent development and integrated appraisal of LDP options.

5.3.1.16 Useful sources of existing information are:

- The appraisals and monitoring of previous/extant Development Plans, or other plans, e.g. Transport Plans.
- Environmental health or biodiversity work conducted by staff in other local authority departments (which should consider environmental opportunities as well as constraints).
- The review of other policies, plans, programmes (as above).

5.3.1.17 Where there are gaps in the high level SA data it will be important to record any resulting uncertainties or risks in the SA Report. Provision should be made to fill any major gaps for future LDP reviews.

5.3.1.18 Just collecting information it is not enough, more important is the way it is brought together, synthesised, analysed and then used to inform plan making. The critical inter-relationships between topics must be properly explored in developing a sound plan.

5.3.1.19 The main points arising from the analysis of the evidence base should be identified with stakeholders and delivery partners in a way that informs discussions and decisions on the key issues the plan is seeking to address. The plan and sustainability issues identified should form a basis for the integrated objectives, incorporating SA and development of the strategic options. The analysis, and its impact on the choice of an appropriate strategy and proposals, should be transparent and this work should also be shared with stakeholders.

5.3.1.20 Sustainability issues can include any uncertainties which need to be understood and addressed before the plan can be confidently considered sustainable. LPAs should clearly identify any 'existing environmental problems' facing the area in order to demonstrate compliance with the SEA Regulations. This stage will inevitably involve scoping out any issues not considered significant or which the plan is not able to address but the rationale behind any decision to scope out issues should be carefully recorded.

5.3.1.21 Issues need to be linked to evidence by reference to baseline information describing the situation now and the identification of historical or likely future trends illustrating the situation without the plan or indicate the need for more evidence.

5.3.1.22 The evidence base topic papers and analysis should include a strong spatial dimension. One way to do this is to synthesise the material in the form of a series of area profiles/settlement studies e.g. key towns and their hinterlands, topographical zones, route corridors or the neighbourhoods of a large settlement. The profiles could summarise the key issues, needs, constraints, opportunities and provide a platform from which strategic options and locally distinct or place shaping policies can be developed. Information in this form can be cross referenced in the

Scoping and SA Reports to meet SEA requirements to describe the baseline environmental characteristics of the area.

5.3.2 Identifying issues driving change

5.3.2.1 Wider external factors may influence the future of the local area. This is important in informing the strategy and policies for responding to, managing, and where possible and appropriate, tackling key structural changes. Examples of external factors include manufacturing competitiveness, wider environmental trends (such as climate change), water resource implications, legislation driving change (e.g. in waste management), the need to provide market and affordable homes.

5.3.2.2 Numerical projections may be available on some factors, e.g. employment and housing trends. Where these relate to a wider geographical area it may be possible to infer the implications for the local area.

5.3.2.3 For other factors judgements will be necessary, e.g. the detailed impacts of climate change, future levels of teleworking, internet sales, economic restructuring, changes in access to services, and changes in tourism trends.

5.3.2.4 This work should assist in indicating the scale of likely growth pressures and/or the likely patterns and extent of decline in various sectors or locations.

5.3.3 Data and topic studies

5.3.3.1 Authorities should review the adequacy of their knowledge in areas crucial to LDP preparation and the SA baseline. Important topic areas include housing need and demand, the infill and redevelopment potential of urban areas, physical and social infrastructure capacity, retail projections, strategic flood risk areas, major hazard installations, heritage, landscape assessment, tourism and holiday accommodation, and minerals and waste and their interrelationships.

5.3.3.2 Additional survey work may be necessary where there are gaps in knowledge of the existing situation and future demand and supply trends. This would be particularly relevant where the topic could significantly influence the fortunes of the local area, and its capacity to accommodate change. Survey work needs to be proportionate and should be budgeted for as part of an ongoing programme, and covered in the Delivery Agreement. AMRs may trigger the need to refresh evidence studies; LPAs should consider the benefits of updating existing evidence to inform the Review Report.

Information of particular relevance to be considered as part of the evidence base for the LDP are:

Demand-side factors, including:

- demographic forecasts from the Welsh Government or locally justified variations;
- housing market analysis, housing needs survey (including the need for affordable homes) and the accommodation needs of gypsy and travellers;
- economic projections including property market-based intelligence, past take-up rates, vacancies;
- retail expenditure growth projections;
- minerals, waste, renewable energy needs;
- open space needs;
- spatial concentrations of deprivation and regeneration programmes;
- Welsh language community demographics.

Supply-side factors, including:

- housing land availability, rate of take-up of housing allocations, lead in time between sites obtaining planning permission and delivering houses;
- potential for infill and conversion and development on previously used land;
- employment, retail and leisure land / floorspace availability and rate of take up;
- capacity of physical and social infrastructure;
- ability to fund infrastructure and links between S.106 and CIL;
- transport accessibility;
- environmental, ecological, landscape and heritage constraints and opportunities;
- major floodrisk, hazard, public safety, contamination, land stability issues;
- development viability; development rates (i.e. number of dwellings built per site) based on realistic completion rates and with agreement of the development industry; and market signals.

5.3.3.3 The usefulness of qualitative information, where it is properly documented, should not be overlooked. It can assist in the understanding of the causes of trends and current conditions and can help identify key issues driving change, barriers to change, and realistic planning policy levers that would make a difference. For instance, there would be value in obtaining the views of business stakeholders on economic prospects, the views of the property industry on potential for and barriers

to development, the views of housing professionals on market factors and housing needs, the views of the community and voluntary sector on social inclusion issues, the views of infrastructure providers on proposed timescales for delivery, and so on.

5.3.3.4 An important part of the evidence base is information regarding the views of the local community and other stakeholders. LPAs should seek to ensure that those participating in the process are aware that for their views to be addressed it is important that they have regard to the evidence and relate to realistic choices.

5.3.3.5 A further consideration in deciding on the information to assemble is the set of prescribed strategic sustainable development monitoring indicators, the core LDP indicators that the Welsh Government wishes to see used by all LPAs (see sections 9.3.2&3) and, for plan review, the adopted LDP local monitoring framework. The availability of baseline information will provide an early reality check when deciding on which additional local indicators to use for monitoring.

5.3.3.6 Overall the review/evidence process should be proportionate, relate to land use planning, be sufficient to meet SEA Regulations requirements, allow the key issues to be identified and support the formulation of objectives and options. The evidence base should be clearly documented in topic or background papers including the signposting of SEA elements which constitute part of the SA Report.

Establishing the baseline - tips

- Prepare topic papers and area profiles as a means to document the baseline situation and use these as the basis for the SA scoping report
- Use the topic papers and area profiles as a means to synthesise the messages coming out of the various evidence base studies (JHLA, LHMA, etc)
- When collecting baseline information ask whether or not the information will be important in terms of generating and testing options; information that isn't helpful in developing and appraising alternatives could potentially be excluded
- Don't focus solely on collecting county-wide indicator data that is not spatially disaggregated; it is unlikely to be pivotal in terms of generating and testing options
- Ensure that the level of evidence collected reflects the level of detail in the plan; for example information on the characteristics of strategic sites and their relationships with neighbouring areas will be necessary to facilitate a robust appraisal
- Map data using GIS where appropriate (e.g. for landscape and wildlife designations, flood risk, deprivation); consider preparing overlay maps showing constraints and / or opportunities

5.3.4 Land needs and availability; candidate sites

5.3.4.1 Discussions should take place with **public service providers**, including the authority's own municipal waste department, and health and utilities, to identify whether sites for any additional facilities need to be included in the LDP. For example there may also be an identified need for additional open space in urban areas or sites to accommodate Gypsy and Traveller requirements. Needs may already have been established through the SIP / NPMP.

5.3.4.2 Town and Community Councils and local Members may have suggestions for sites suitable for affordable housing and other local facilities.

5.3.4.3 Early engagement should take place with **developers and landowners** to obtain information on potential development sites not already identified in Joint Housing Land Availability Studies (discussed in TAN1). Engagement will demonstrate that the LDP strategy is deliverable and the information collected will allow consultation to take place at the preferred strategy stage on all credible candidate sites so that representations can inform the deposit plan. It is vital that the promoters of potential sites appreciate that bringing them forward after the preferred strategy stage will mean that it is unlikely they can be considered for inclusion in the plan. It should be made clear that the candidate site call is the appropriate time to submit sites so that sufficient consultation can take place to inform the examination process.

5.3.4.4 Before consulting on their preferred strategy LPAs should issue a formal '**call for candidate sites**' (Regulations 14) inviting anyone, including developers and landowners, to put forward proposals and to indicate the basis on which they are proposed. (Under the short form revision, if the proposed revision that is placed on deposit includes land identified for development, then it should have previously made a call for candidate sites under Regulation 26A.) To keep the exercise practical authorities could set a site size threshold for candidate sites in line with the strategic focus of LDPs. However information on small site availability would help LPAs evidence the likely scale of future provision from this source.

5.3.4.5 When putting forward sites, developers and landowners should include sufficient data to allow a robust assessment to be made (see section 6.4.1&2) including affordable housing, community infrastructure and that the development is financially viable.

5.3.4.6 To avoid unduly raising expectations of development in totally unsuitable locations, the invitation to submit candidate sites should be accompanied by a clear public statement indicating in broad terms the types of location which would be judged to be sustainable. The submission of sites is only part of the information gathering exercise and the LPA should stress that this should not be interpreted as a commitment from the LPA that all sites will be taken forward into the LDP

5.3.4.7 A **candidate sites register** (Regulations 14 & 26A) should be prepared by the authority, with baseline data assembled for each site, including physical constraints, proximity to local services, accessibility, etc. and with an OS base where possible.

5.3.4.8 The site register is an important and useful tool to which information can be added:

- When more detail is available from infrastructure providers at the preferred strategy stage (see Chapter 6).
- When sites have been classified into those that contribute to the preferred strategy and those that do not.
- At the deposit stage to identify earlier LPA assessments of the site, to record the proponent's case for inclusion and any objector case for deletion along with the LPA's reaction.

5.3.4.9 The LPA should apply a set of **criteria or filtering mechanism** to classify and prioritise sites as to their acceptability for further consideration. Criteria will need to address deliverability issues and reflect the integrated plan objectives so that they meet sustainability appraisal requirements. A comprehensive and systematic approach that fully assesses the significant environmental effects of all relevant sites (i.e. covers the topics that are highlighted in the SEA Regulations) will help to avoid further assessment and reduce delay at a later stage. To show the plan is sound at examination LPAs will need to be able to justify why their criteria and the associated site assessments are appropriate. Consequently this must be a transparent, documented process and it should be clearly referenced in the SA Report.

5.3.4.10 It is important to be able to demonstrate that there are no fundamental impediments to the development of the sites allocated in the plan and to be able to specify the timescales within which constraints will be overcome. Therefore potential sites should be discussed with statutory consultees at an early stage to identify any fundamental issues. The size of a site may not be indicative of its impact in social, economic or environmental terms. Infrastructure providers and other consultees will be expected to respond positively and in a timely fashion offering meaningful advice on development prospects and/or timing. However they should not just be presented with long lists of all candidate sites. They should be restricted to a sieved and prioritised list focused on those sites with reasonable potential for allocation in line with the evolving strategy. In some cases, particularly with larger strategic sites, a more detailed technical assessment may be required before consultees can respond. The LPA and the relevant consultee should cooperate to identify the scope of any assessment which should be limited, at the plan allocation stage, to that needed to establish the site is acceptable in principle. It may be necessary to seek input from the landowner or a prospective developer proposing the site.

5.3.4.11 The aim should be to use a clear assessment methodology which incorporates the integrated plan objectives/sustainability criteria in order to rank sites. This can then inform the plan allocations needed to deliver the strategy and signpost potential reserve sites which may be required later if needs change or other sites have to be dropped.

5.4 Identifying Issues and Objectives

5.4.1 The Scoping and subsequent SA / Environment Reports should signpost where the work to identify sustainability issues (including environmental problems as required by the SEA Regulations) can be found.

5.4.2 Analysis of the evidence base, the review of other plans and strategies and engagement with partners, consultation bodies and stakeholders should all contribute to establishing the significant land use and sustainability issues the plan will need to address.

5.4.3 Authority members have an important leadership role in defining, in broad terms, the key issues, the future direction of the LA and the sort of place the authority wants the area to become. Working with their partners this should already have been achieved through the preparation of the SIP or the NPMP.

5.4.4 Consequently LPAs will already be aware of many sustainability issues and problems. Others may be identified on the basis of:

- Experience of previous UDPs/LDPs and other plans,
- Possible tensions or inconsistencies with other policies, plans and programmes as identified in the review of land-use related sustainability objectives above (section 5.6.2).
- Possible overlaps, tensions or inconsistencies between the baseline conditions.
- Consultation with authorities with social, economic and environmental responsibilities and other relevant stakeholders.

5.4.5 Any issues identified should, where possible, be linked to evidence by reference to the baseline information and the identification of historical or likely future trends.

5.4.6 An example of how to record key sustainability issues highlighted through the evidence gathering process is given below.

Table 5.1: Example of documenting key land-use/sustainability issues and problems at the local level

Key issues and problems	Source
Social	
1. The town has a higher than average elderly population, with concerns raised about the out-migration of young skilled people, and the future needs of the elderly population	Wales Spatial Plan (review of other plans and programmes). Census (review of baseline information).
2. The plan area contains some of the most deprived areas in the UK, including wards which falls within the	Welsh Index of Multiple Deprivation (review of baseline information). Wales Rural Observatory.

top 10% worst deprived in the country.	
3. The town is constrained by environmentally designated and important land. The green wedges are an important feature of the town that should be maintained.	LANDMAP Landscape Database (review of baseline information).
4. The southern fringe of the town is located in the floodplain.	TAN 15 and Natural Resources Wales (Development Advice Maps, review of baseline information).
Economic	
5. There is high traffic congestion at peak hours at the junction of the motorway.	Wales Spatial Plan (review of other plans, programmes). Wales Transport Strategy (review of baseline information). Local Transport Plan (review of other plans and programmes).
6. There are skills shortages in high-tech and health sectors.	Economic Renewal: a new direction (review of baseline information).

5.4.7 The key planning and SA issues identified should be used to develop sustainable objectives and options and to focus plan content.

5.4.8 The new overarching statutory requirement to deliver sustainable development means that the SA process should be integral to plan preparation rather than just a peripheral assessment activity. Consequently LDP objectives should accord fully with sustainability principles. It will be less confusing for stakeholders if SA assessment criteria are included with the plan objectives so that one set of integrated objectives is used to assess options and identify a preferred strategy.

5.4.9 However it is important to ensure that both delivery orientated plan issues and the typically wider sustainability issues are reflected in the focused set of integrated objectives used for assessment.

5.4.10 There should be a balance between economic, social and environmental objectives. They should all be matters capable of being addressed through the land-use planning system and the numbers selected need to be manageable (12-20 maximum). The selection of environmental objectives needs to have regard to the topics listed in the SEA Regulations, Schedule 2 (6), but tailored to the characteristics of, and issues arising in, the local area. Where possible, objectives should be expressed in the form of indicators and targets. Care needs to be taken with wording, for example 'minimise' can have a very different connotation to 'reduce'. It can therefore be useful to develop a brief commentary for each objective explaining what it is intended to promote and some related questions that will help tease out impacts.

5.4.11 It is important to identify issues and develop objectives, indicators and targets in consultation with the Consultation Bodies and relevant stakeholders, to ensure they meet statutory requirements. The exercise should be transparent and clearly

documented to reflect both LDP and SEA Regulations; (identification of environmental objectives / indicators / targets is not a requirement of the SEA process but has become general practice).

5.4.12 The objectives should be informed by relevant Welsh Government, and national and European planning and environmental policies.

5.4.13 The integrated objectives (including sustainability objectives) will provide an assessment framework for the plan allowing the sustainability and other effects to be described, analysed and compared. They are a yardstick against which the social, economic and environmental effects of the LDP can be tested. The SEA requirement is to identify 'significant effects' which the objectives, associated questions and indicators should be able to identify. Schedule 1 of the SEA Regulations includes a series of relevant criteria for determining significance including for example, probability, duration, reversibility, frequency, cumulative impacts and the value and vulnerability of a particular resource.

Developing integrated objectives - tips

- Keep the number of objectives to a manageable number (12–20 maximum).
- Develop sub-objectives (or criteria or questions) for each objective as prompts for those undertaking the appraisal in order to 'tease out' impacts.
- Where appropriate, draw on existing sets of objectives (for example, in relevant higher level strategies or the SIP / NPMP), but make sure the objectives reflect the purpose and scope of the LDP (i.e. what it can achieve) and key issues for the area.
- Write the objectives using plain English and keep them strategic.
- Ensure there is a reasonable balance across the objectives in terms of economic, social and environmental issues.
- Ensure that you understand the implications of each proposed objective – for example, 'minimise' can have very different connotations to 'reduce'.
- Check if the integrated objectives are internally consistent and, if not, seek to resolve any tensions early on.
- Provide a brief commentary on each objective for the benefit of stakeholders, explaining the terms used and what the objective is looking to promote.
- Ensure the objectives reflect those key sustainability issues for the area which the plan has the capacity to influence.
- Discuss the approach and objectives with the SEA Consultation Bodies.
- Ensure there are or can be mechanisms and procedures in place to effectively monitor key objectives.

5.4.14 The LDP objectives also need to be consistent with each other and it may be useful to test the internal compatibility of the objectives using a matrix approach. This could help highlight the more important objectives and any tensions between objectives that cannot be resolved so that subsequent decisions on priorities are well based, and alternatives and mitigation can be considered. This should be recorded explicitly in the background papers and the SA Report.

5.4.15 An example of testing for compatibility is given below.

Table 5.2: Example matrix for comparing objectives

Objectives	Objectives			
	Objective 1	Objective 2	Objective 3	Objective 4
Objective 1		Possible conflict	Positive Compatible	Positive Compatible
Objective 2			Neutral	Positive Compatible
Objective 3				Neutral
Objective 4				

- Comments and recommendations:

Objective 1 versus Objective 2: Possible conflict as Objective 1 is to protect greenfield land from development, but objective 2 is to provide sufficient land to meet housing needs. However the urban capacity study has shown that in order to satisfy housing need, some greenfield development will be required. Recommendation: change wording of Plan Objective 1 to prioritise brownfield development over greenfield, but not to rule out greenfield development completely.

5.4.16 Where monitoring or plan review indicates that a partial revision to the plan needs to be considered the LPA should explain in their Review Report the reasons why the original issues identified and the plan objectives / SA criteria used still remain valid (see section 10.1.5).

5.5 SA Tasks

5.5.0 Following an initial description of the screening process, this section identifies the main tasks involved in scoping the SA. This work can be carried out as part of plan preparation (see sections 5.3&4) but the relevant matters will need to be documented in a scoping report.

5.5.1 Screening

5.5.1.1 The SEA Regulations and UK guidance are very clear in respect of the need for SEA for LDPs and, unless a screening determination has come to the unlikely conclusion that SEA is not required, there is no requirement to issue a screening

opinion (or even to undertake a screening) In the unlikely case that the LPA considers that the LDP will have no significant environmental effects, support from the Consultation Bodies and clear evidence will need to be provided in any determination under SEA Regulation 9(1).

5.5.1.2 When a plan is reviewed and replacement or revision is deemed necessary then a screening opinion should be made and recorded to determine if the original SEA is still deemed valid or, if the strategy has changed, a further SEA is required (see chapter 10). Screening is also required for revocations.

5.5.2 Preparing and consulting on the SA scoping report

5.5.2.1 The scoping stage is an SEA requirement. Although a formal scoping report is not mandatory, producing one as the initial stage of an evolving SA Report provides the opportunity to summarise the messages emerging from the evidence base assembled so far, the sustainability issues identified and the integrated objectives. It also allows LPAs to begin the process of stakeholder engagement and to canvas stakeholders on the level of detail the appraisal will need to enter into in order to help satisfy the SEA Regulations' requirements. The report should be proportionate focusing on the most relevant issues. It should succinctly cover the following matters or alternatively identify clearly where they are addressed in the integrated plan preparation and assessment documents.

- A review of other relevant policies, plans and programmes, and sustainability objectives relevant to the LDP with information on synergies or inconsistencies. The SEA Regulations specifically requires environmental protection objectives established at international, European Community or national levels to be taken into account. – see section 5.2
- Key baseline information describing the current state of the social, environmental and economic characteristics of the area likely to be significantly affected by the plan. The SEA Regulations 2004 Schedule 2 outlines the range of environmental matters that need to be considered. – see section 5.3
- The identification of social, environmental and economic sustainability issues (including environmental problems as required by the SEA Regulations) and sustainable plan objectives forming an integrated options/plan assessment framework. - see section 5.4
- The proposed methodology for the remainder of the integrated appraisal including signposting where some issues and objectives may need deeper assessments such as race, equalities, Welsh language or health impact assessments.

5.5.2.2 LPAs should consider the best way to structure their evidence base. This information could be documented on a topic-by-topic basis covering the key questions from the SEA Regulations such as biodiversity, flood risk, housing, the local economy, waste and water. Each topic paper could be structured around the key questions from the SEA Regulations i.e. what is the policy context, what is the situation now, what will be the situation without the plan, what are the key issues? In addition, the plan area could be sub-divided and the evidence and the answers to

the questions could be presented for key spatial areas. However, an overarching introductory paper to summarise the issues and problems facing the whole area including linkages between the different topics should be prepared.

5.5.2.3 The Consultation Bodies should be engaged from the start of the process of preparing the scoping report. When drafted, the SA scoping report should be used as the basis of consultation with the Consultation Bodies. These bodies, defined in the SEA Regulations, are among the Specific consultation bodies defined in the LDP Regulations (see Annex B).

5.5.2.4 It is also desirable for the LPA to consult bodies representing social and economic interests. Where possible there should be a balance between consultees concerned with economic, social, and environmental issues. If an SA technical reference group or key stakeholder group has been set up, they should also be involved.

5.5.2.5 SEA Regulation 12(6) determines that the Consultation Bodies should have 5 weeks in which to respond to an authority's invitation to engage in a consultation on the scoping process. A similar time period is envisaged for all consultees to respond on the scoping of the SA component of the integrated plan assessment process.

5.5.2.6 To support a sound appraisal it is important that the information used to anticipate and evaluate impacts remains up-to-date and relevant. Equally the views of stakeholders will need to be taken into account. The SA / Environment Report incorporating the scoping report is therefore best viewed as a 'live document' and should be updated on a reasonably regular basis as plan preparation proceeds.

5.6 Summary of Evidence Gathering and Objectives Tasks

Integrated LDP Tasks	SA Specific Tasks
	Carry out, document and publish Screening Opinion as appropriate. (section 5.5.1)
Maintain up-to-date S61 data base – on-going. Review and supplement if necessary to ensure robust / up to date / proportionate evidence base. Engage stakeholders as appropriate; consider need for 'call for evidence'.	Establish baseline state of the environment, and environmental characteristics likely to be significantly affected. Predict change without plan.
Review wider policy context, including other plans and strategies to consider relationship.	Consider relationship to other plans. Identify European/national environmental protection objectives.
Identify land use/sustainability Issues. Call for candidate sites and develop register; consider	Identify SA issues and sustainability problems

nominated sites.	
Develop set of integrated sustainable plan objectives and assessment framework (to incorporate SEA requirements). Consider monitoring framework requirements from outset.	Develop SA objectives / appraisal criteria and establish SA Framework.
Record in background papers and cross reference to SA scoping report.	Establish scope of SEA with Consultation Bodies. Produce SEA Scoping Report and consult. (5 weeks)

N.B. Where the short form plan revision procedure is deemed appropriate not all stages may be relevant - see 10.2.

See Table 3.3 for consultation requirements.

6. Strategic Options and Preferred Strategy

6.1 Introduction

6.1.1 LDPs should aim to be strategic, concise and distinctive. This is achieved by:

- Focusing plans on the key issues.
- Meeting the land use needs of the area.
- Basing plans on a clear vision agreed by the community and stakeholders, setting out clearly and concisely how places are planned to develop, change, or be conserved.
- Producing a strategy that is specific and distinctive to the area and the challenges it faces.
- Ensuring LDPs add value to and assist the delivery of national policy, key local policies and strategies in other policy areas (but do not duplicate them unnecessarily).
- Focusing strategy and policy on main areas of change and protection.
- Eliminating overly specific and detailed policies.

6.1.2 This chapter provides guidance on the process requirements as well as on starting to formulate the content of an LDP or significant revisions to an LDP by means of a replacement plan. This is done through a process of identifying and testing strategy and policy options against the integrated LDP/SA objectives. This corresponds to the pre-deposit stages as referred to in LDP Regulations 14 & 15. For circumstances where the LDP Review Report concludes that it appears to the LPA that the issues involved are not of sufficient significance to justify undertaking the full revision procedure, the Regulations provide for a short form revision procedure (Regulation 13A and Part 4A). **Guidance below focuses on the LDP / full revision pre-deposit process** which includes pre-deposit consultation; **the short form revision process is outlined more fully at section 10.2.** However, many of the messages below are appropriate for both procedures.

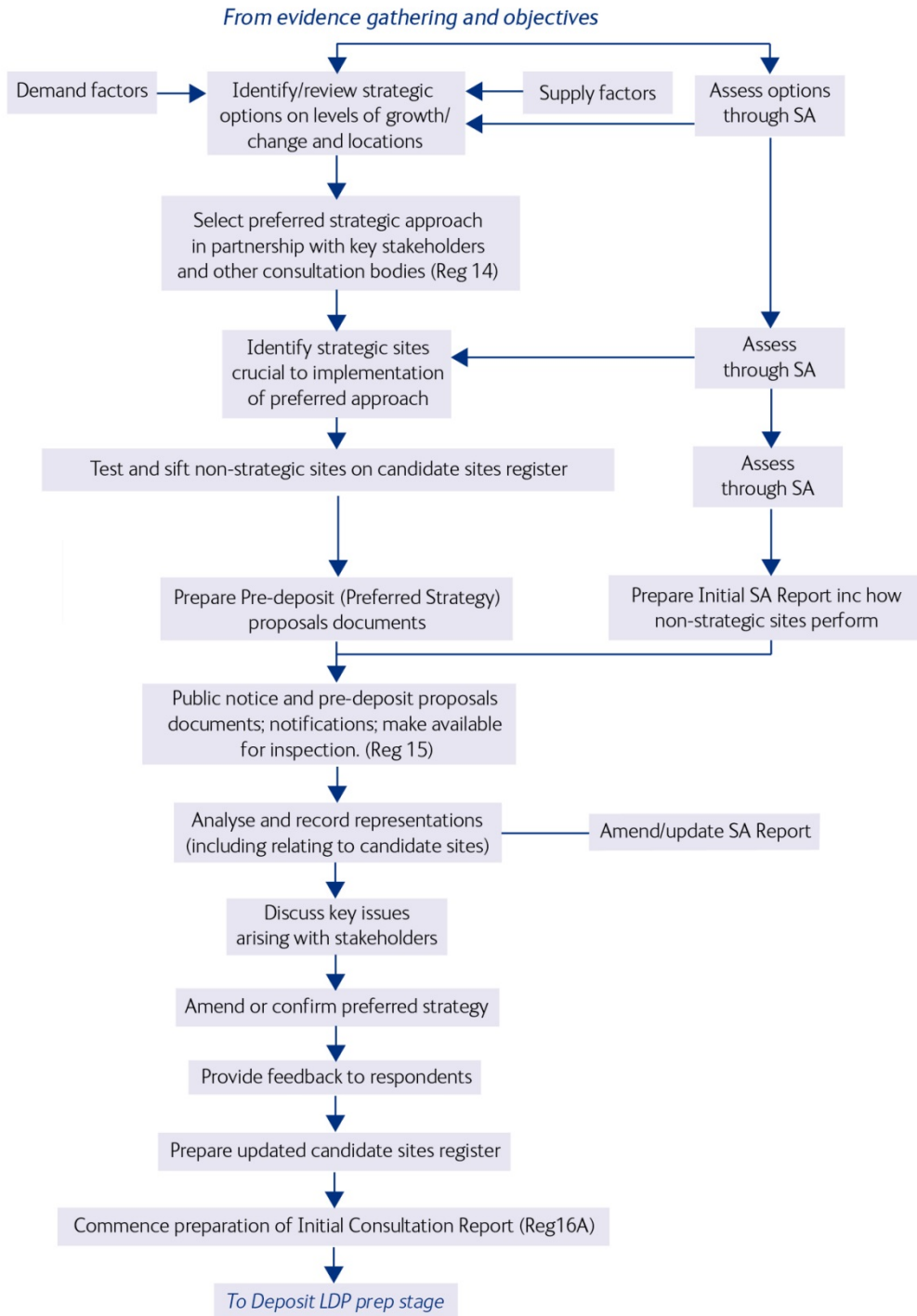
6.1.3 Participation and public consultation at the pre-deposit stage is essential for effective community and stakeholder engagement with the plan. Early discussion on the evidence base, strategic options, preferred strategy and related proposals will be critical for building consensus. Compliance with the participation and public consultation requirements of LDP Regulations 14 and 15 must also meet the requirements of the SEA Regulations that reasonable alternatives to the plan are identified and evaluated (- this is a preparation requirement – see section 8.2.1).

6.1.4 Discussion of strategic issues and options should be linked to locational issues and optional sites for development and should lead to identification of the preferred overall strategy and its spatial implications.

6.1.5 The Review Report and the LPAs assessment will be subject to consultation and scrutiny through the plan examination process.

Figure 6.1: Strategic Options and Pre-Deposit (Preferred Strategy)

(N.B. For Short Form Revision: Reg 26A applies (not Regs 14 and 15) to determine the scope of the revision and generate alternative options; candidate site call may be appropriate if not already conducted.)



For short form revision Reg 26A applies (not Regs 14/15); to determine scope of revision and generate alternative options; Notification / invitation to make representations; with candidate site call on website if appropriate.

6.1.6 For circumstances where the findings of the LDP Review Report indicate that the issues involved are of sufficient significance to justify undertaking the full revision procedure (and Welsh Government hasn't intervened), the suggested preferred strategy process for a replacement LDP is as follows:

- Establish in advance, and then be prepared to justify, the approach to generating and testing options.
- Set up CIS mechanisms for dialogue and consensus building etc.
- Call for candidate sites, together with setting up / maintaining a candidate site register (see at 5.3.4).
- Stakeholder participation to help consider the implications of the evidence base and the planning issues raised in order to set the objectives for the plan, and then to identify realistic strategic options that provide for the future needs of the area, address the issues identified and to meet the objectives.
- Selection of an evidence based preferred strategy on a transparent, integrated assessment basis in partnership with key stakeholders / consultees (Regulation 14).
- Identification of strategic sites vital to the implementation of that strategy (areas of change). The candidate sites register identifying those that are compatible, and those that are not, should be made public and representations should be invited as part of the consultation.
- Definition of site selection criteria for smaller sites not in significant areas of change.
- Preparation of a Preferred Strategy Proposals Document and relevant supporting documents.
- Testing consensus by inviting wider views (pre-deposit public consultation stage) as specified in Regulation 15.

6.2 Identifying Strategic Options

6.2.1 Overview

6.2.1.1 An important feature of the LDP system is the emphasis on identifying realistic options that reflect the evidence and then testing them using the integrated LDP/SA objectives.

6.2.1.2 Options should be: genuine, reasonable, reflect the evidence and the plan issues/objectives, meet the evidenced needs of the area, deliverable within the plan period, conform to national policy, complement regional or neighbourhood plans/strategies, flexible and sustainable. For a plan revision, the LPA will need to consider the appropriateness of options previously considered.

6.2.1.3 To meet SEA requirements (SEA Regulations – Regulation 12 and Schedule 2(2)) it is necessary to identify the likely evolution of the plan area without implementation of the plan. Establishing what the situation might be without the plan, i.e. the business-as-usual scenario, involves asking how current policies, practices and trends might change in the future in the absence of any active intervention through the LDP. The business as usual situation should be used as a benchmark against which to compare the implications and performance of other options. However, if it no longer reflects the evidence and is not a realistic option this must be made clear in any consultation.

6.2.1.4 There are four main elements where variations and options could be considered:

- The overall levels of growth and change to be accommodated.
- The spatial distribution of new development (areas of change) and infrastructure.
- Topic based policy, which may contain numerical guidelines (e.g. on housing density, where appropriate), or targets (e.g. on renewable energy generation or provision of waste facility capacity).
- Topic based policy setting out broader principles and criteria for development, protection and mitigation.

6.2.1.5 The pre-deposit stage should start by focusing on the overall levels of change, and the spatial distribution of new development. Topic-based policy is likely to emerge from consideration of these.

6.2.1.6 A useful analytical technique could be to identify several evidence based **spatial/direction of travel scenarios** showing how the area might realistically develop to meet the objectives. These should be based on technical and policy judgements which in turn are based on the range of (qualitative as well as quantitative) evidence and policy principles discussed above. Different scenarios could be developed to include an assessment of:

- The area baseline, its environmental characteristics, socio economic conditions, and the challenges and predicted level and extent of growth and change (including zero growth).
- The spatial distribution of proposed growth, and the spatial priorities for areas of protection and conservation.
- Requirements arising from national/regional plans and strategies.
- An assessment of the extent to which evidenced growth/change differs from a “business as usual” trend-based scenario, both in terms of the level and quantum of growth/change and its spatial distribution.
- The broad delivery “route map” of policy and investment interventions required to deliver the change required.
- A high level assessment of possible negative impacts and risks, including how these might be mitigated and managed.

6.2.1.7 These scenarios could take the form of alternative descriptions of the future. Whilst they should be informed by evidence and relevant forecasts, the scenarios can be descriptive, and not necessarily be purely based on quantitative projections, e.g. maximising growth opportunities and through an aspirational approach.

6.2.2 Levels of growth/change

6.2.2.1 A necessary precursor to identifying options is to identify the broad scale of demand for new development in the local area as part of the evidence base (section 5.4.2).

6.2.2.2 Numerical projections of demand, based on the best evidence available, provide a starting point. As set out in PPW all plans must evidence how their conclusions relate to the latest projections and demonstrate through evidence how they align or deviate from the latest projections. This then needs to be weighed against the vision for the area, evidence of any significant capacity issues within the locality, including housing and employment land, the availability of developable land, potential for redevelopment, regeneration requirements, infrastructure and environmental constraints.

6.2.2.3 The growth options must all be realistic possibilities taking account of national planning policy, national and strategic plans or strategies and local aspirations and sensitivities expressed through the SIP (or NPMP where applicable). In most cases the number of realistic options is likely to be limited but this will depend on the nature of the LPA area, its complexity and the scope for alternative development scenarios. Options that are unrealistic, are unrelated to the evidence, do not meet identified needs or are clearly unsustainable are highly unlikely to be sound. Demand and supply side issues can be brought together in a number of ways to produce a small number (2-4) of real growth/change options

6.2.2.4 Growth options, properly reflecting the evidence, will lie within a narrow range but they should include sufficient contingency provision so that the plan can respond to unforeseen needs.

6.2.2.5 In special circumstances it may be possible to justify a 'policy based' approach when arriving at the scale of growth to be accommodated in a plan but the case will need to be very clear and there must be consistency between the various elements of the strategy.

6.2.2.6 The justification for a preferred level of growth should be transparent and be part of the evidence base for the plan. Monitoring information will be an important component of this evidence base, particularly as LDPs are reviewed (see Chapter 9).

6.2.2.7 While it will be important to identify numerical requirements the options should also be expressed in terms of a broad direction of travel which can be used to describe the preferred strategy and will remain valid even if the numbers need to be amended in the future.

6.2.3 Spatial distribution

6.2.3.1 The spatial implications for each realistic growth/change scenario should then be considered. The spatial element of the strategy will be the key longer term component of the plan and it should be sufficiently robust and flexible to accommodate fluctuations in the rate at which development takes place so that it remains valid in the longer term through several economic cycles. Spatial options should not be devised for their own sake. When there is more scope for alternatives the options can be considered at two scales:

- Alternative spatial strategies for the authority area, e.g. concentration of growth in and around certain towns compared to dispersal of growth.
- Alternative sites within areas of change.

6.2.3.2 Realistic options need to be based on a strong understanding of the plan area. Analysis and synthesis of the evidence base into area profiles/settlement studies provides a transparent basis on which to develop strategic options reflecting needs, constraints, infrastructure availability, development opportunities, the economic/retail role of settlements, regeneration, transport/accessibility implications, etc.

6.2.3.3 Broad locations for growth need to be identified clearly (e.g. residential, employment and mixed use). While initial dialogue should be at the strategic level, and not normally attempt to interrogate the detailed components of particular sites it is important that the general implications of an option are understood. The testing of alternative site options would usually be done as part of the site assessment methodology after a preference is reached on the broad strategy to be pursued (level and distribution of growth). However where it is clear that an option wholly depends on one or two particular strategic sites then it will be important to consider their merits at this stage.

6.2.3.4 For predominantly rural areas, the spatial scale of individual areas of change is unlikely to be significant. For these areas there may be scope to consider options for a more generic “rural strategy”. This could consider broad policy options and principles with regard to issues such as affordable housing, village scale allocations, the role and development of market towns, farm diversification, the settlement hierarchy and roles in terms of service provision, and so on.

6.2.4 Seeking consensus

6.2.4.1 The evidence, stakeholder views (based on evidence) and integrated objectives should inform the identification of options. To some extent this will be a process of narrowing down options, eliminating those that are considered less realistic or inappropriate in terms of higher-level policy.

6.2.4.2 Authorities are used to consulting on proposals, but the LDP system seeks earlier and more meaningful engagement at the options stage so that the implications of alternative courses of action can be understood.

6.2.4.3 The participation of the appropriate ‘specific consultation bodies’ and relevant ‘general consultation bodies’ in reaching a preferred strategy is required by Regulation 14. The recommended form of structured discussion with key stakeholders, partners and representative interest groups is described in section 4.4.

6.2.4.4 The authority’s CIS should identify ways of seeking a focused dialogue with such interests. For example it may be appropriate to involve representatives of umbrella groups of community councils and commercial interests in a series of events at which the evidence is presented and alternative options for the area are developed (see also section 5.4); also, the use of statements of common ground could be identified (see section 6.4.2.18).

6.3 Assessing Options

6.3.1 Integration

6.3.1.1 In arriving at a shortlist of the most realistic options to be taken forward it is important to document the reasons for discarding those not being carried forward. For example delivery problems identified in early discussions with private sector developers or infrastructure providers.

6.3.1.2 In the past options have been assessed separately for SA and LDP purposes. While this could often result in different outcomes it served to ensure that sustainability issues were considered during plan preparation and, when appropriate, mitigation or other measures were incorporated in the plan. In many cases the SA assessment exercise tended to be more structured and thus transparent than the assessment for plan making purposes.

6.3.1.3 Now there is a clearer statutory and policy requirement to promote sustainable development it provides an opportunity to adopt one integrated assessment process. Where this is done it will be important to ensure the process followed and the integrated objectives adopted properly meet SEA requirements in addition to wider objective and that the results are recorded (Ch.3).

6.3.2 Predicting the effects of the LDP options

6.3.2.1 The purpose of this task is to predict the social, environmental and economic effects of the options being considered for inclusion in the LDP.

6.3.2.2 The main technique is to predict both positive and negative effects of each option against the integrated LDP objectives which include the relevant SA criteria. The performance of each option can then be compared, taking account where necessary of the “business as usual” scenario, i.e. how the area would change under the current development plan in the absence of new policies being introduced. For the SA, assessment should focus only on those LDP impacts judged to have a “significant” effect on the environment as defined in the SEA Regulations.

Criteria for determining the likely significance of effects
(from Schedule I to the SEA Regulations)

- the probability, duration, frequency and reversibility of the effects
- the cumulative nature of the effects
- transboundary nature of the effects
- the risks to human health or the environment (e.g. due to accidents)
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)
- the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values, or
 - intensive land-use
- the effects on areas or landscapes which have a recognised national, Community or international protection status

6.3.2.3 Given the broad nature of plan proposals and the difficulty of separating other causes of the effects, a qualitative approach is likely to be the most meaningful at present. Broad-based qualitative predictions based on professional judgement can be expressed in easily understood terms, such as “getting better or worse”, or red / amber / green, or on a scale from ++ (very positive) to - - (very negative), as illustrated in Figure 6.2.

6.3.2.4 However, qualitative does not mean “guessed”. Predictions should be cross-referenced to any base line evidence, survey data, projections research, expert group findings, discussions or consultation, which helped those carrying out the assessment to reach their conclusions.

6.3.2.5 For some objectives it may be possible to quantify the potential effects. However as far as possible a balance should be maintained in the level to which assessments are taken across the range of issues. The overall results should not be skewed by those objectives where some quantification may be possible.

6.3.2.6 Any uncertainties or limitations in the information underlying both quantitative and qualitative predictions should be documented, including assumptions about underlying trends.

6.3.2.7 Used appropriately, matrices can help ensure that the assessment is systematic and comprehensive ensuring consideration of synergistic and cumulative effects. However, they can also appear repetitive, be difficult to follow and lengthy. To reach conclusions the output from the matrices needs to be brought together, synthesised and then presented. At a strategic level a thematic approach could be adopted to provide a reasonable impression of the environmental performance of the

plan as a whole. Where appropriate the assessment could be undertaken on a topic basis grouping several policies. The results could be reported using a narrative format focusing on the key points with more detailed work presented in appendices.

6.3.2.8 An example of a traditional options' assessment is given in Figure 6.2.

Figure 6.2: Example table for assessment of options against integrated LDP/SA objectives

Objective	Option A – Concentrate development on MOD Site, on northern edge of main market town		Option B – Even development within three main towns, brownfield prioritised	
	Performance	Commentary/ explanation	Performance	Commentary/ explanation
Objective 1 - To maintain & enhance the quality of landscapes & townscapes	-	Permanent long term visual impact of the development, and change in character of the town (e.g. setting) could be significant. Setting aside such a large area of land for development could mean that development of other brownfield sites in the town would become more difficult to develop.	++	Over medium term would bring back into use derelict and degraded sites, which are currently causing visual blight across all three towns.
Objective 2 - To reduce the need to travel.	+	Scale of development will in long term support new local facilities and an improved bus service to town centre.	+	As brownfield sites are centrally located, should allow for development to take place that would encourage

		Close to existing employment opportunities.		walking and cycling, and less reliance on the car.
etc.				
Key for performance: + positive – negative O neutral ? uncertain +/- minor +++ major. A distinction could also be made between short, medium and long term, if appropriate.				

6.3.2.9 In this example, the performance rating for a particular option will have been based on the type of assessment documented in the Comments column. This should take account of:

- The duration of the effects, i.e. whether short, medium or long-term, permanent or temporary, e.g. public transport infrastructure (or lack of it) may have serious adverse effects in the short-term, but beneficial ones in the long-term.
- Who is affected, i.e. implications for different groups of people, e.g. rural and urban dwellers; young and old; ethnic minorities; those with disabilities; people with cars and those without; future and current generations.

6.3.2.10 This exercise of predicting effects should also serve to clarify exactly what is proposed, and how the options differ from each other, and/or their relationship to the plan as a whole. It may also prompt a discussion about how uncertainty could be reduced, e.g. in terms of implementation mechanisms that the plan could include. This approach should normally include relevant impact assessments at a strategic level.

6.3.2.11 Relevant guidelines for predicting the effects of options are that:

- When using symbols or other ways of presenting information, always explain and justify the choice of symbol with reference to the baseline situation relevant to that objective.
- Focus on the effects of the option rather than other factors that may influence the achievement of the objective.
- Consider whether the effect is likely to be permanent or temporary, and the timescale over which the effect is likely to be observed; (e.g. landscaping of new development over time).
- Backup qualitative predictions with data where possible but avoid using spurious measurements that are not grounded in evidence.
- Consider whether any options could displace sustainability or other problems to neighbouring areas.
- Document clearly where the assessment includes consideration of vulnerability, risk and uncertainty.

6.3.2.12 This task should also include recognising the potential for any cumulative effects. Cumulative effects, as used here, also include any secondary and synergistic effects. Examples of such effects include changes in the landscape, loss of tranquillity, economic decline and climate change. These effects are very hard to deal with on a project-by-project basis through EIA. It is at the strategic level that they are most effectively identified and addressed.

6.3.2.13 Examples of these three types of indirect effect are set out below:

Secondary - a plan proposal that would facilitate or attract other developments, or a proposal that would change a water table and thus affect the ecology of a nearby wetland.

Cumulative - plan proposals which on their own might have only an insignificant effect but together would have a significant effect, e.g. several small housing allocations which together could affect the character of a village; or where the combined effects of a proposal might be significant, e.g. visual, traffic and noise.

Synergistic - plan proposals which could interact to produce a total effect greater than the sum of the individual parts. For example, when transport, housing and employment proposals combine to produce a more sustainable community. Alternatively in adverse terms where a wildlife habitat becomes progressively fragmented until a final proposal could make the area too small to support the species at all.

6.3.2.14 Potential cumulative effects should be considered throughout the plan preparation assessment process.

6.3.3 Evaluating the effects of the LDP options

6.3.3.1 This task involves evaluating the significance of the effects predicted above. To inform such judgements, LPAs should consider the probability, duration, frequency and reversibility of the effects, including secondary, cumulative and synergistic effects. The magnitude and spatial extent of the effects (geographical area and size of the population likely to be effected) should also be considered. The value and vulnerability of certain areas and population may also influence the appraisal, particularly where thresholds or standards may be exceeded.

6.3.3.2 The significance of the effects should:

- Be determined individually in each case - effects which are significant in one situation are not necessarily significant in another.
- Be proportionate, i.e. devoting reasonable time and effort in relation to the expected severity of the effect.
- Be carried out flexibly, using criteria as guidelines not rules.
- Avoid spurious accuracy which will not lead to an increase in objectivity.

6.3.4 Considering ways of mitigating adverse effects and maximising beneficial effects

6.3.4.1 This task involves considering mitigation measures, i.e. whether there are any measures to prevent, avoid, reduce or offset any significant adverse effects of implementing the LDP. This includes proactive avoidance of adverse effects as well as actions taken after effects may be noticed. Mitigation measures may also include recommendations for improving beneficial effects.

6.3.4.2 Mitigation can take a wide range of forms, including:

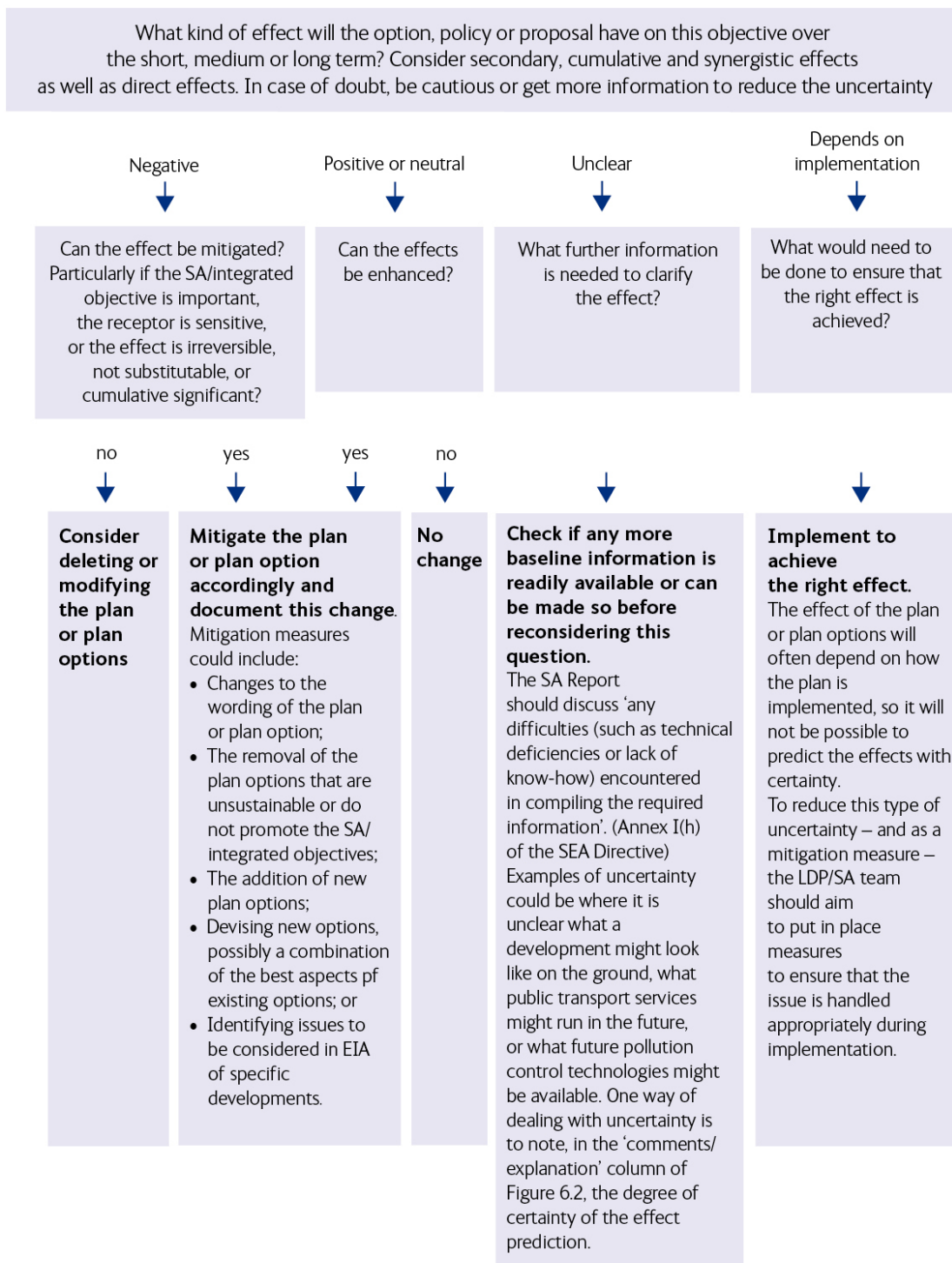
- Changes to the LDP as a whole, including bringing forward new options.
- Refining policies in order to improve the likelihood of beneficial effects and to minimise adverse effects, e.g. by strengthening policy criteria (of most relevance to the LDP preparation stage).
- Technical measures to be applied during the implementation stage, e.g. buffer zones, application of design principles, substitution or offsetting.
- Requirements or terms of reference for EIAs accompanying planning applications.
- Proposals for changing other plans and programmes.

6.3.4.3 The following diagram gives a fuller explanation of issues to consider in the process of evaluating options. Use of this flowchart for each option should ensure that prediction, assessment and mitigation are linked and that a full range of mitigation measures are considered and recorded.

6.3.4.4 From this evaluation, the performance of each option can be summarised against the integrated objectives covering social, environmental and economic issues.

6.3.4.5 It should then be clear how the preferred strategy performs, and why some options have been rejected. The recording of this work should be incorporated in the background papers supporting the plan and clearly referenced in the SA report, see section 6.4.4 below. This work can inform recommendations on changes to the preferred strategy.

Figure 6.3: A framework for appraising the effects of a plan option



6.3.5 Proposing measures to monitor the significant effects of implementing the LDP

6.3.5.1 Monitoring allows the actual significant effects of implementing the LDP to be tested against those identified in baseline evidence and predicted in the plan assessment. It thus helps to ensure that problems which arise during implementation can be identified and future predictions made more accurately. It can also be used to collect baseline information and evidence for future LDP review. Information and indicators can be drawn from existing sources at national, regional and sub-regional levels to avoid any unnecessary duplication.

6.3.5.2 Decisions on what to monitor and how to do it should be considered at an early stage in the process of undertaking the assessment. Initial monitoring proposals should be included in the SA report, see section 6.4.4 below. Further information on setting up a monitoring system is given in Chapter 9 below.

6.4 Preparing Pre-Deposit Proposals Documents

6.4.1 Key messages

6.4.1.1 The authority's pre-deposit proposals documents (Regulation 15) should include the vision, strategic spatial options considered, preferred spatial strategy, key policies, initial sustainability appraisal report, candidate sites register and Review Report. They should also cover the implications for development of pursuing this strategy, including the scale of growth anticipated in particular locations and any major sites on which the strategy depends. This documentation should include key background information (e.g. on housing need) which should be produced with stakeholder involvement, in order to help facilitate the production of a sound plan.

6.4.1.2 A full draft of the LDP is not needed but this is the main participation opportunity during the plan-making process enabling the authority to obtain feedback from stakeholders in order to then respond by refining proposals for the deposit plan. Including the key policies that are essential to the implementation of the plan will enable stakeholders to appreciate what is intended and provide valuable feedback for the authority. Being able to refine policies for the deposit stage plan should mean fewer objections to policy content at that stage and fewer focussed changes. The Regulation 15 stage is an opportunity for communities and stakeholders to influence the preferred strategy and key proposals by suggesting modifications or evidence based alternatives meeting the LDP's objectives and vision. **Following this stage, there is very limited scope for the LPA to make changes to the Deposit Plan prior to submission in response to formal representations.**

6.4.1.3 When preparing the Preferred Strategy Proposals Documents LPAs will need to ensure that sufficient attention is given to **strategic** issues so that it is possible to identify concerns at this level and seek to build consensus on the broad strategy, level of growth and main locations of change for the LDP.

6.4.1.4 In order to obtain stakeholder feedback that can be used to inform the deposit plan the LPA will need to seek comments on realistic candidate sites at the Regulation 15 stage. However the LPA must ensure that there is a balance between obtaining feedback at the best time for the authority to react and ensuring sufficient stakeholder focus on the strategic level issues.

6.4.1.5 LPAs will need to consider the most appropriate level of detail for information on **site specific proposals**. Too little detail will result in stakeholders and the community lacking vital information, impairing the usefulness of the exercise. Including information on sites and policies will add to the time and resources involved in preparing for this stage and in considering and responding to comments. However, this work needs to be done at some stage and if this information is not included until later at Deposit Stage, it will be too late for the local community and other stakeholders to influence the plan and for the Authority to engage in a constructive dialogue. The Welsh Government would not consider this an effective approach to LDP preparation.

6.4.1.6 Maintaining a strategic focus can involve setting a **site size threshold** appropriate for the area below which smaller sites may not be considered on an individual basis or allocated in the plan. However the authority will need to be aware of, and be able to evidence, the overall development potential from smaller unallocated sites. Additionally there could be instances where the cumulative impact of several small sites on the character of a settlement needs to be identified.

6.4.1.7 Authorities should use the information gathered at candidate site stage (see 5.3.4) to produce a transparent list of medium/large sites that it deems appropriate to allocate in order to deliver the strategy. In addition, it should prepare and publicise a supplementary list of key contingency sites which it considers could be substituted as alternatives or be used to supplement the list if required.

6.4.1.8 LDPs should be strategic, they are not expected to detail small site allocations or include policies for every eventuality but the Preferred Strategy Proposals Documents should include information on the policy principles and broad criteria that it is intended will apply to the smaller or non-strategic sites, and identify sites on the register that would meet these criteria.

6.4.1.9 Where the plan relies on the cumulative contribution from small sites to provide for identified needs then there must be robust evidence to support the contention that development opportunities will continue to be delivered in this way.

6.4.1.10 Representations regarding candidate sites should be recorded so they can be made available at deposit stage to allow for other parties to make any counter responses.

6.4.2 Preferred Strategy

6.4.2.1 Ultimately, it is the plan makers' responsibility to identify a preferred strategic option, taking account of all the evidence (including stakeholder views and the appraisal of options through the integrated assessment).

6.4.2.2 The spatial strategy must reflect the evidence base and the regional context in order to provide for the wider needs of the area in a sustainable manner. It should indicate the intended direction of travel over the longer term and be sufficiently flexible to accommodate variations in needs and the economic cycle. The strategy should be expressed in a way that it is capable of being rolled forward in future should it still be deemed appropriate. It should be presented in the form of a brief descriptive summary of the broad approach to the degree of change anticipated and the spatial distribution of development proposed. It could be illustrated using a key diagram. A strategic policy should make it clear that all development will be expected to be in accordance with the plan strategy.

6.4.2.3 In order to ensure that the development of the preferred strategy meets soundness tests, the LPA should ensure that the evidence base clearly supports the preferred strategy and also apply the relevant tests as a self-assessment. Discussion of this self-assessment with the Welsh Government prior to formal consultation processes under LDP Regulation 15 should ensure any issues are identified before the LPA finalises the preferred strategy and key proposals for consultation.

6.4.2.4 The scope of LDPs should be strategic dealing with the most significant types of land use and as such they will normally be expected to make provision for housing, employment and retail uses. They will need to identify areas where constraints on development are warranted or where mitigation may be required. Depending on local circumstances other forms of development or land uses will need to be included in a plan, as outlined in PPW.

6.4.2.5 Where the land use needs of a specific function have been clearly articulated at the evidence gathering stage then plans should seek to make appropriate provision. However it is not the function of the LDP to provide evidence of need and site requirements for every type of land use. This is the responsibility of the relevant agency, department or enterprise that will be expected to present robust evidence early in the plan making process. The plan preparation cannot be delayed.

6.4.2.6 The sustainable development themes such as those used in the Wales Spatial Plan could be considered when drafting the LDP:

- Building sustainable communities.
- Promoting a sustainable economy.
- Valuing our environment.
- Achieving sustainable accessibility.
- Respecting distinctiveness.

6.4.2.7 Relevant themes from other Welsh Government or regional strategies or from PPW could also be considered.

6.4.2.8 Implementation of the LDP will be to a significant extent dependent on the actions of others. An LDP cannot by itself ensure development takes place. It can however ensure that opportunities are available to do so and that the opportunities offer a realistic prospect of an appropriate return on investment. One of the purposes

of building consensus with stakeholders is to secure widespread commitment to the strategy from the organisations and groups through which the strategy will need to be delivered.

6.4.2.9 To meet the tests of soundness (section 8.2.1) LPAs must be able to demonstrate, in broad terms, that the plan is deliverable with no significant impediments to implementation.

6.4.2.10 This focus on delivery has important implications for the content of plans and the way that they are produced. Delivery should not be an afterthought but needs to be considered throughout the LDP production process.

6.4.2.11 An important role for the evidence gathering stage is to take account of market realities and viability. In testing options and selecting a preferred strategy, account must also be taken of infrastructure requirements, the scale of public sector resources likely to be available and the potential for private contributions without impacting on overall viability. See PPW section 3.7 regarding planning obligations and the Community Infrastructure Levy (CIL).

6.4.2.12 At the plan making scale LPAs are not expected to be able to evidence every small site or minor issue nor will they be able to second guess major swings in the market. Nevertheless they must be able to show that schemes are likely to remain viable after applying all relevant plan policies such as affordable housing, open space, highway works etc, as well as meeting other requirements, e.g. CIL charges. This will include checking the availability of relevant infrastructure and the implications for delivery, timetabling and site viability.¹⁴

6.4.2.13 Expectations in terms of land values must recognise that the fundamental planning requirement is to deliver sustainable developments and that this is the basis upon which viability and values will be assessed.

6.4.2.14 Equally the evidence base should include a broad assessment of the marketability of the type of development being proposed and the prospects that it can be realised in the plan period. LDPs should not allocate land for uses where there is no market or no means to bring development forward. For example, the LPA should be able to show that there is a commercial interest in bringing forward and developing sites in the area or another mechanism is available. Sites should not be allocated if there is no prospect of development. When publicising the call for candidate site nomination and preparing the candidate sites register, LPAs will have sought information from the proponents about the site's availability, the basis on which it is being proposed e.g. the amount of infrastructure the developer anticipates providing and an indication that they are aware of, and have factored in, the costs of any mitigation requirements on development.

6.4.2.15 Where strategic sites are proposed then further information should be sought as to the way in which the site is to be phased and/or split to enable a number of developers access to the opportunity to build in the area. Details should

¹⁴ Two useful sources of guidance on viability, available on the PAS web-site (www.pas.gov.uk/viability), are:

- the Harman Report: "Viability Testing Local Plans: Advice for planning practitioners" 2012.
- Financial viability in planning guidance (RICS, October 2012)

be documented and incorporated in a delivery statement or in site specific SPG accompanying the plan so that consents and planning obligations reflect the intentions.

6.4.2.16 A delivery statement, housing trajectory or equivalent should be prepared detailing the main site allocations, the planning requirements, any constraints and the means by which they can be resolved, phasing provisions, contingency status, etc. It is better to present this as a supporting background document rather than as part of the plan so that it can be reviewed and updated. LPAs should seek input from stakeholders and try to identify common ground when developing these statements. Ideally LPAs should liaise and agree regionally on the format so there is consistency and transparency. It is important to be able to show that the range and type of sites allocated in the plan will provide a 5 year housing supply at adoption and throughout the plan period.

6.4.2.17 LPAs should liaise with infrastructure providers early in the plan making process to assess those locations with spare capacity or where there are significant constraints that would have to be overcome. Making the best use of existing infrastructure will be an important locational determinant. Where there is a major infrastructure constraint on development in a particular settlement the LPA should assess whether it would be viable to overcome the problem by developer contributions bearing in mind the CIL limitations on pooled contributions. If this is not possible and the work would involve a budget commitment in an infrastructure provider's future programme the LPA should assess the likelihood that funding will be in place. Such sites should only be allocated where a decision can be confirmed early in the plan period so that development can progress or there is time for identified contingency sites to be substituted. Where confirmation of funding/provision is unlikely to be obtained early then the plan strategy should explore other sites or locations where there is greater certainty. LPAs should consider developing a live infrastructure schedule for the plan area as a background document that can be regularly updated.

6.4.2.18 Agreeing with key infrastructure providers a 'statement of common ground' that can be refined as work on the plan progresses can be a useful way to evidence commitment and deliverability.

6.4.2.19 LPAs should not present infrastructure providers and other consultees with long lists of candidate sites for comment. Sites should be sieved and prioritised so that the focus is on those sites with reasonable potential for allocation in line with the evolving strategy and assessment methodology. Infrastructure providers will be expected to respond positively and in a timely fashion offering meaningful advice on development prospects and/or timing.

6.4.2.20 It is also important for the LPA itself to assess the viability of development in terms of development costs and planning requirements. Viability will change over time and any studies need to be regularly reviewed and updated on a rolling programme with policies responding accordingly. Wherever possible viability work should be undertaken jointly with neighbouring authorities with similar characteristics to minimise costs, provide a broader perspective and access the best expertise.

6.4.2.21 Where a plan is more aspirational, the LPA should ensure that the plan strategy will remain sound and/or alternatives are available if aspirations do not occur so that there is no overall risk to the plan.

6.4.2.22 The strategy will take account of a range of matters including many, if not all, of those set out below:

- Broad scale, location and type of development, based on:

- A justifiable policy approach to predicted development demands a sustainable scale and pattern of development and travel.
- Making best use of existing developed areas and building stock.
- Minimising new build/greenfield development.
- The sustainability of the built development in terms of energy consumption, renewable energy technology and utilisation of resources.
- The necessary infrastructure (e.g. waste facilities, sewage works etc) to minimise the environmental damage caused by existing and new developments, including timing, phasing and delivery.
- Protection and enhancement of the environment, including biodiversity.
- Protection and promotion of green infrastructure (to deliver wider objectives, e.g. reducing flood risk, air pollution, health & well-being benefits).
- A broad assessment of the deliverability and viability of strategic sites/options.

- Regeneration/promotion of urban and rural areas to:

- Improve vitality, attractiveness and viability of town and other key centres.
- Promote any necessary economic restructuring.
- Improve the quality of the natural and built environment.

- Creation, maintenance and enhancement of sustainable communities to provide for:

- Safe, attractive and stable localities.
- Housing, affordable housing and facilities.
- Local distinctiveness, including the needs and interests of Welsh culture and language.

Further advice on topics influencing the strategy can be found in PPW.

6.4.2.23 The strategy should identify the key areas of change on which it relies. These are locations where significant changes will occur in the life of the plan, e.g. areas of major residential development or new communities, and areas of certain

economic/physical change e.g. through a major factory closure, the interventions of a regeneration agency, or public infrastructure provision.

6.4.2.24 The Preferred Strategy Proposals Documents should contain:

- Regional and local context - policy issues, geography etc.
- Vision and LDP objectives.
- Direct linkages to statutory documents, such as the Wales Spatial Plan, SIP / NPMP, and integration with other strategies / plans as applicable, e.g. regional and local housing strategy, economic strategies, local transport plan, etc.
- Summary of proposed strategy, including strategic sites necessary for its implementation, proposed areas of change or protection.
- Scale of housing, employment and other key drivers of change.
- Broad locations for non-strategic sites and criteria for their inclusion.
- Other relevant policy which would implement the preferred strategy e.g. employment and economic strategy; community and local service needs; open space and leisure strategy; energy, waste management and minerals supply options; housing density/car parking; protection and enhancement of the environment, and green/blue infrastructure.
- Key diagram showing preferred spatial strategy, with consideration significant external links to neighbouring authorities.
- Proposal for the structure and scope of the deposit LDP, and any concurrent SPG. A broad assessment of the deliverability and viability of strategic sites/options.
- Candidate sites register, including non strategic sites, identifying those considered to accord with the preferred strategy and those which do not.

6.4.2.25 It should be accompanied by:

- Details of specific consultation arrangements, in accordance with the CIS.
- Information on how to respond.
- Response form for representations.
- Reference to Evidence/Technical Background Papers.
- Review Report (where appropriate).
- Initial SA Report (see 6.4.4).
- DA/CIS.
- Soundness self-assessment

6.4.3 LDP Summary Note

6.4.3.1 At consultation stages of the emerging plan LPAs should consider producing an inexpensive and simplified summary of their LDP. This might be a single sheet, or a short pamphlet, with a summary of the proposals and illustrative material. It should include a note stating where the LDP can be inspected. Versions of this summary could be prepared in large print.

6.4.3.2 When undertaking plan preparation, it will be important to consider the role and nature of illustrative material at an early stage.

6.4.4 The SA report

6.4.4.1 The initial SA report should build on the scoping work and summarise the results of the appraisal undertaken thus far, including predicting and evaluating the significant effects of the LDP options on the social, environmental and economic objectives. Where appropriate, it should signpost where in the background papers are located those components of the integrated plan assessment work that fulfil the requirements in the SEA Regulations, Schedule 2 for an Environmental Report.

6.4.4.2 The SA report should cover or cross reference to a strategic assessment of sites on any site register identifying where feasible those that perform well against criteria reflecting the integrated assessment framework and could contribute to the preferred strategy, and those that do not.

6.4.4.3 In deciding the length, level of detail and format of the report, the LPA needs to bear in mind its purpose as a public consultation document. It is likely to be of interest to a wide variety of readers, including statutory consultees, other authorities, non-government organisations and members of the public. The report should not just be a long and impenetrable compilation of all of the work undertaken relevant to SEA but should take a step back from the assessment to provide an accessible, clear and succinct insight into the process and its key outcomes. There must also be a non-technical summary which should ideally be available as a separate document that will help facilitate engagement.

6.4.4.4 Further guidance on the presentation of the report is included in the Quality Assurance checklist at Annex A to this Manual.

6.4.4.5 The suggested structure and content of the SA Report is given in Figure 6.4 below. It should cover or reference as much of this material as feasible at this stage. The main output from the Strategic Options and Preferred Strategy stage will be recorded in the 5th section (plan issues and options). The SA Report can be developed as a roll-forward of previous outputs from the assessment. Much of the 4th section of the SA Report (sustainability objectives, baseline and context) will come from the earlier SA scoping report.

Figure 6.4: Example structure and contents of the SA Report (incorporating the Environmental Report and demonstrating compliance with the SEA Regulations 2004 No.1656 (W.170))

Structure of Report	Information to include
Components making up the SA Report	Table sign-posting the components of the plan assessment which make up the Environmental Report for the purposes of the SEA Regulations. (N.B. See Reg 12 and Schedule 2 of the SEA Regulations; also see Table 3.1 in Manual section 3.2)
1. Summary and outcomes	<p>1.1 Non-technical summary (+ <i>as separate document</i>).</p> <p>1.2 An outline of the plan's purpose and content and a statement of the likely significant effects of the plan.</p> <p>1.3 Statement on the difference the integrated process has made to date.</p> <p>1.4 How to comment on the report.</p>
2. Appraisal Methodology	<p>2.1 Approach adopted to integrated assessment.</p> <p>2.2 When the assessment was carried out.</p> <p>2.3 Who carried out the assessment .</p> <p>2.4 Who was consulted, when and how.</p> <p>2.5 Difficulties encountered in compiling information or carrying out the assessment.</p>
3. Background	<p>3.1 Purpose of the Assessment and SA / Environmental Report.</p> <p>3.2 Plan objectives and outline of contents.</p> <p>3.3 Compliance with the SEA Regulations.</p>
4. Integrated sustainability objectives, baseline and context	<p>4.1 Links to other policies, plans and programmes and sustainability objectives and how these have been taken into account.</p> <p>4.2 Description of the social, environmental and economic baseline characteristics and the business as usual future baseline.</p> <p>4.3 Main social, environmental and economic issues and problems identified.</p> <p>4.4 Limitations of the information, assumptions made etc.</p> <p>4.5 The assessment framework, including objectives, targets and indicators.</p>
5. Plan issues and options	<p>5.1 Main strategic options considered - how they were identified/rationale. Comparison of the social, environmental and economic effects of the options.</p> <p>5.2 How consideration of the social, environmental and economic issues determined the choice of the</p>

	<p>preferred option.</p> <p>5.3 Why other options were rejected.</p> <p>5.4 Any proposed mitigation measures.</p>
6. Plan policies	<p>6.1 Significant social, environmental and economic effects of the preferred policies.</p> <p>6.2 How social, environmental and economic problems were considered in developing the policies and proposals.</p> <p>6.3 Proposed mitigation or enhancement measures.</p> <p>6.4 Uncertainties and risks.</p>
7. Implementation	<p>7.1 Links to other tiers of plans and programmes and the project level (EIA, design guidance etc).</p> <p>7.2 Proposals for monitoring the significant effects identified through the SA.</p>

6.4.4.6 The SA Report is then updated when the deposit LDP is prepared (see section 7.2.3 below).

6.5 Public Consultation on the Preferred Strategy

6.5.1 Testing and refining the preferred strategy

6.5.1.1 An open process of public consultation is envisaged with clear information on the process and opportunities for the community and interested parties to make representations. Publicity for proposals and mechanisms in the CIS should be sufficient to encourage all sectors of the community to be involved. All participants in the preparation process should ensure that they have made their views known and identified proposed sites early in the process (see 5.3.4 & 6.4).

6.5.1.2 The views of the following must be taken into account before determining the content of the deposit plan:

- i. the 'specific consultation bodies' to the extent that the subject matter affects those bodies (i.e. the Welsh Government¹⁵; Natural Resources Wales; Network Rail Infrastructure Ltd; the relevant Secretary of State in relation to the functions previously exercisable by the Strategic Rail Authority; the council of any community covered by the proposals; any adjacent LPA - Welsh or English); and
- ii. those 'general consultation bodies' as the authority considers appropriate (i.e. voluntary bodies, bodies representing interests of racial, ethnic, national and religious groups, and disabled persons, business and Welsh culture in the area).

¹⁵ At the pre-deposit public consultation stage (Regulation 15), an authority should send 4 copies of the key document(s) to the Welsh Government; a minimum of 2 copies of other supporting documentation will also be required. Where practicable, one electronic copy of the documents should also be provided.

6.5.1.3 The pre-deposit proposals documents must be publicised over a six week period (with an allowance for public holidays). LDP Regulation 15 explains the necessary publication, notification and inspection procedures.

6.5.1.4 It should be made clear in the consultation on the candidate sites register that where sites are not proposed at this stage by the LPA they could be introduced later in the plan making or examination processes if the need arises. Stakeholders should be advised that this is the appropriate time to make representations on any of the sites identified or to put forward new ones.

6.5.1.5 If there has been a material change in circumstances affecting a previously rejected site, or a completely new site is put forward, it is the responsibility of the proponent to test the effects of their site using the LPA SA framework. LPA's should provide guidance on what would be required for SA which the proponent would be expected to follow. LPAs should make available to the proponent a copy of the baseline information/evidence and SA report, and should encourage them to use a consistent methodology considering SEA effects within the SA framework. Those who object to the site's inclusion should be provided with a copy of any relevant SA work, either by the proponent or by the LPA. The results of the assessment may be considered at the examination.

6.5.1.6 There will be no vetting process to ensure that submissions are satisfactory in terms of SA: any vetting will take place as part of the examination before the Inspector since the SA is part of the evidence base that should support the policies and proposals in the deposit LDP. If a new or alternative site has not been subject to any SA, it is unlikely that the Inspector will be in a position to recommend its inclusion in the LDP.

6.5.1.7 The authority should provide a comments form with the preferred strategy document, in electronic and paper format. To record representations, LPAs are recommended to set up a formal consultation database.

6.5.1.8 Authorities must consider all representations made in accordance with LDP Regulation 16(2) at the pre-deposit public consultation stage before finally determining the content of the deposit LDP. Representations made at this pre-deposit stage will not constitute representations to be considered at the independent examination. Authorities should discuss with key stakeholders any issues that arise which question the preferred strategy of the plan or particular key locations for development. The results could usefully be checked against the views of any control group identified in the CIS (see section 4.4.1.3).

6.5.1.9 A general description of how these comments have affected the policies and proposals of the LDP should be fed back to respondents and stakeholders.

6.5.2 Appraising significant strategy changes

6.5.2.1 If the results of public consultation largely support the preferred strategy, the amount of further assessment work may not be substantial. Refinements made to the preferred strategy should be reflected in the background papers and the SA Report (see section 7.2.3 below).

6.5.2.2 If on the other hand the LPA pursues a strategy which has not been included in the Preferred Strategy Proposals Document or is a hybrid option, it must appraise it against the assessment framework. The final SA Report would then need to be more extensively supplemented or even rewritten. If a new strategy or proposals emanate from representations, it would be helpful for those respondents to provide relevant and available information on its effects. Where new sites are considered the cumulative effects must be taken into account.

6.5.2.3 The LPA should also consider consultation comments on the SA Report and make adjustments where deemed necessary. The statutory Consultation Bodies should be kept informed of changes to the assessments and SA Report.

6.6 Initial Consultation Report

6.6.1 In preparation for the deposit stage, the authority should begin drafting its **initial Consultation Report** (Regulation 16A full procedure & Regulation 26A – short form). This will form the basis for the subsequent Consultation Report required when the LDP is submitted for independent examination. The report should identify the bodies engaged, notified or consulted at the pre-deposit stage, including regarding sites, and the main issues raised and how they have influenced the deposit LDP; it should include a general summary of comments and the LPA's responses, and of the steps taken to publicise plan preparation. Any deviation from the CIS should be exceptional and fully justified (Regulation 9(6)). There should also be a schedule of individual site related comments or suggestions for new site allocations. This report should be made publicly available on the LPA's website as soon reasonably practicable after pre-deposit consultation / engagement.

6.7 Summary of Strategic Options and LDP Preparation Tasks

Integrated LDP Tasks	SA Specific Tasks
<p>Check issues and identify realistic strategic options with partners including strategic sites. Assess options using integrated plan objectives.</p> <p>Seek consensus on preferred strategy.</p> <p>-----</p> <p><i>For short form revision:</i></p> <p>Determine scope of revision and generate alternative options; Notification / invitation to make representations. Candidate site call on website if appropriate.</p>	<p>Identify, describe and evaluate significant environmental effects for "reasonable options" (indicate reasons for selection of options) and business as usual scenario. Consider mitigation. Have regard to results when selecting preferred option.</p> <p>Ensure requirements of SA and of SEA Regulations are met.</p>
Produce Pre-deposit (Preferred Strategy) Proposals Documents including candidate sites register &	Make initial SA Report available with pre-deposit documents (SEA statutory minimum 4 weeks.)

<p>review report. Publish & consult (on preferred strategy, options, proposals, implications, candidate sites register, review report, supporting documents including initial SA Report) (statutory 6 weeks).</p> <p>-----</p> <p><i>This statutory stage is not required for short form revision.</i></p>	
<p>Consider representations; and any new information. Analyse and review with key stakeholders. Consider testing representation with a control group. Assess any new options or changes proposed to those assessed.</p>	<p>Consider consultation responses re environmental aspects. Refine assessment and detail any additional assessment of new or hybrid options.</p>
<p>Prepare (updated) candidate sites register and initial consultation report.</p>	

N.B. Where the short form plan revision procedure is deemed appropriate not all stages may be relevant - see 10.2.

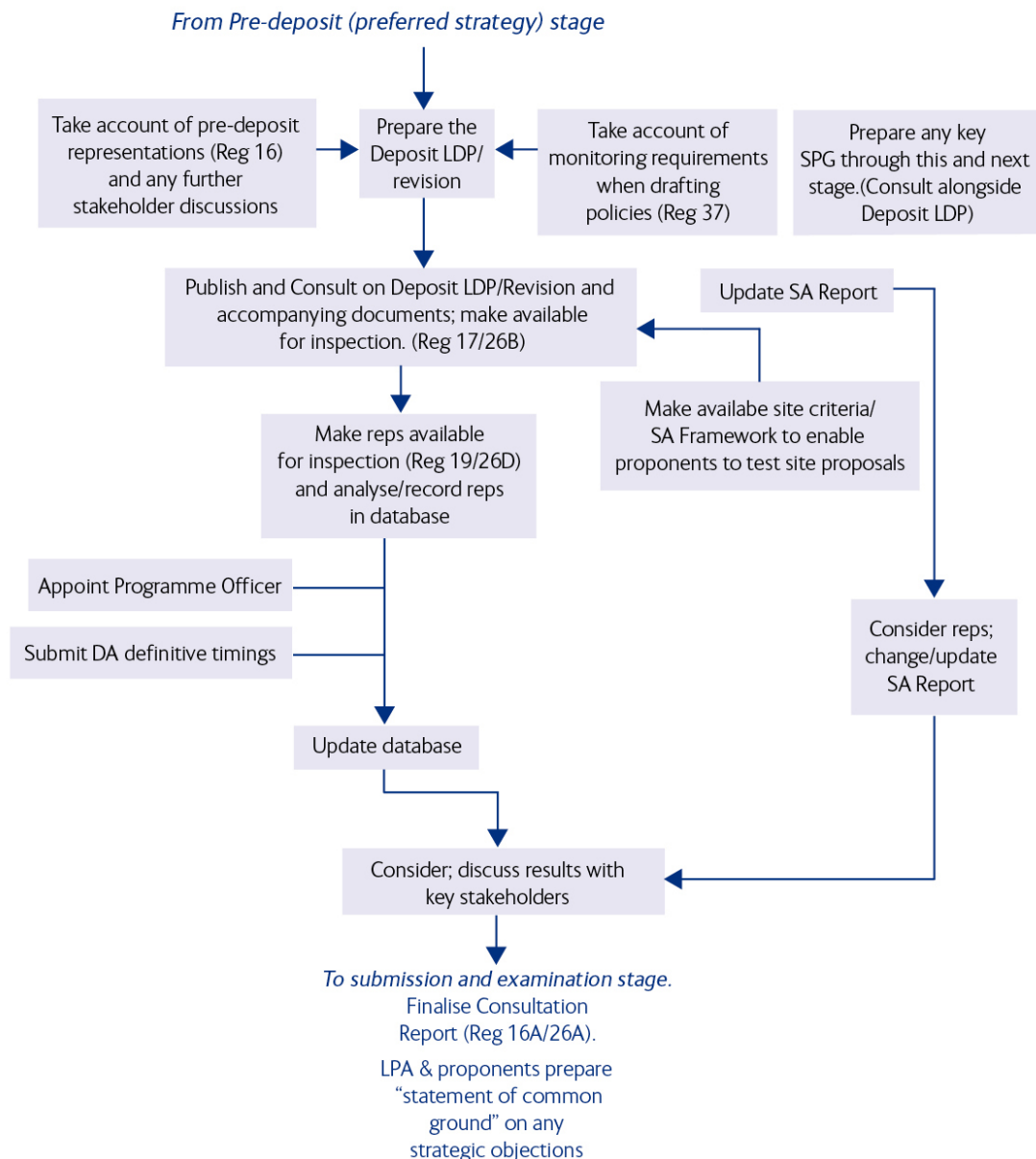
See Table 3.3 for consultation requirements.

7. LDP Preparation and Deposit

7.1 Introduction

7.1.1 This chapter provides guidance on issues of plan format and presentation. It also covers the tasks involved in placing the LDP on deposit and handling subsequent representations.

Figure 7.1: LDP Preparation and Deposit



7.2 Preparing the Deposit LDP

7.2.1 Structure

7.2.1.1 The format of the deposit stage proposals or plan will vary depending on whether it is a replacement plan or a more limited partial revision (see also 10.2).

7.2.1.2 For a replacement plan consideration will already have been given to the structure for the LDP. Although at Regulation 15 stage a full draft plan is not required the opportunity should have been taken to consult on the broad structure and the key proposals and policies intended for the deposit plan. At deposit stage it will be a case of refining and supplementing this earlier work.

7.2.1.3 The deposit plan should include all the elements listed at section 2.4. It should be considered by the LPA as the version it intends to submit for examination and, later, to adopt. It should thus be drafted in a manner which ensures that it does not contain any unnecessary information; any sections which are purely for consultation purposes and which would be deleted prior to adoption should be identified as such.

7.2.1.4 Where, based on evidence and conclusions in the Review Report, it is valid to roll forward the strategy of an adopted LDP and only partial revision of the plan is required, the deposit documents will include:-

- Details of the new proposals/changes and supporting evidence.
- The new candidate sites register, site assessments and the details of the representations arising from site consultation (where relevant).
- The results of a revised integrated assessment and updated SA Report.
- The LDP Review Report indicating why the original strategy, etc is considered to remain sound, and conclusions in relation to the revision procedure.

7.2.1.5 Decisions will need to be made by each LPA on how to ensure that LDPs are strategic. For example, defining village development boundaries, although in itself a detailed matter, could be an important part of implementing a strategy for protecting the countryside if these are considered on an authority-wide basis. The strategy should set out the main direction of the plan in terms of significant policy and allocations impacting on an authority wide basis.

7.2.2 Policy drafting (*guidance on drafting policies is also contained in the LDP chapter of PPW and at chapter 2 of this Manual*)

7.2.2.1 An LDP should be a strategic document that focuses on the authority's objectives for the use and development of land in its area and the general policies for implementing them. It is not a detailed development management manual. Policies should flow from the key issues and objectives identified from the evidence base and the strategy. They should not be added in at the end of the process just to cover every detailed contingency.

7.2.2.2 Supplementary Planning Guidance (SPG) can be used to show in more detail how generic LDP policies will be interpreted although SPG should not include new policies (see sections 2.4, 7.3).

7.2.2.3 PPW and MPPW provide advice about the policy context of plans. In particular, PPW sets out clearly those policies which it will not be necessary for the LDP to include or revise, as well as identifying those which will need to be interpreted at the LDP level. While LDPs should not repeat national policy the text should make it clear where it is to be relied on to determine applications.

7.2.2.4 It should not be necessary for a plan to contain a plethora of individual policies. Wherever possible specific topics should be grouped generically to reduce duplication and make clear the range of requirements that apply to a particular development.

7.2.2.5 Policy must be effective and careful drafting is essential. The courts have determined that policies are to be interpreted as written not as intended or interpreted by the LPA. Development management officers should be involved to help ensure policy wording is fit for purpose.

7.2.2.6 While policies need to adapt to local circumstances there is nothing to be gained from variation for variations sake. Some policy formulation could be done more efficiently by LPAs jointly working together and pooling resources, expertise and legal advice to develop model policies. These would avoid the need for LPAs to “reinvent the wheel”. However, excessive use of such policies could lead to ‘any place’ plans which should be avoided.

7.2.2.7 Working with neighbours is also important to ensure an appropriate degree of cross boundary consistency particularly where market or landscape areas overlap authority boundaries.

7.2.2.8 Plans should include sufficient contingency to accommodate variations in need over the plan period while maintaining the broad direction of travel indicated by the strategy. Accommodating variations in the level of provision or plan requirements means that some policies may need to be framed in a more responsive manner so that they allow some variation depending on defined demand or viability criteria. Where this is appropriate it is important that the basis for change is transparent and clearly identified.

7.2.2.9 All Plans should contain clear policies supported by detailed tables setting out clearly the various components of demand and supply, such as for housing and employment. They should set out the anticipated needs including contingency (through flexibility allowances) and the way these needs are provided for by the plan in terms of commitments, allocations, windfalls and small sites, etc. LPAs should seek to agree regionally on the format of these tables so there is consistency. The tables will need to be updated during the plan preparation process. It should be made clear to all stakeholders that up-dating is a necessary on-going process and the plan should be framed accordingly. Section 7.6 provides guidance on changes after deposit, in relation to necessary focussed changes and schedules of minor

changes. Tables should be up-to-date at plan submission; they should not be updated after submission but may need correction in the light of the examination.

7.2.2.10 In general,

- National policies should not be repeated, but their application to the local area should be explained where relevant.
- LDP policies should be clear, succinct and positive.
- Combined or generic policies will often be appropriate to keep the plan concise
- A policy should not be sought for every eventuality and unnecessary policies should be excluded.
- Supporting text can be amalgamated and should be restricted to matters that are fundamental to justifying policy.
- Criteria based policies should be included against which windfall and very small sites can be assessed. Definition of a very small site may require thresholds to be defined, probably separately for urban and rural areas.
- Areas of search should be identified, particularly for environmental infrastructure such as waste facilities, where site specific proposals have not been identified

7.2.2.11 In detail, authorities should:

- Think strategically and remember that the Plan has a long ‘shelf life’.
- Ensure that there is sufficient flexibility built in so that if circumstances change, for example as a result of needing to adapt or mitigate climate change impacts, or if a major site or piece of strategic infrastructure does not come forward as anticipated, there are generic policies against which alternatives can be judged.
- Consider more generic forms of policy, thus avoiding the duplication of development management criteria for several separate types of development and highlight the range of potential requirements involved in considering a proposal.
- Promote certain outcomes, rather than expressing policies as constraints.
- Cooperate with neighbouring authorities to develop policy wording especially where cross border consistency is important.
- Consider the distinctiveness of the area to add local value to standard policies.
- Formulate policies so that they can be monitored and are suited to various cycles of economic, social or environmental change, e.g. through phasing policies.

7.2.2.12 The reasoned justification should contain an explanation behind the policies and proposals in the plan, providing guidance or expanding on the purpose of the policy or its aims. It should not repeat what is written in the policy and avoid narrative that is self-evident or clear from the policy itself. In addition, the reasoned justification should not include statements of policy.

7.2.3 Finalising the SA Report

7.2.3.1 Most of the hard work will have been completed in preparing the initial SA Report at pre-deposit stage (see section 6.4.4 and Figure 6.4 above). This will have described the appraisal of the main strategic options and the reasons for selecting the preferred strategy. (In relation to plan revisions see sections 3.4.2 & 10.2 in particular.)

7.2.3.2 At this stage, the SA Report should include the results of assessing any revised or new LDP option resulting from public consultation, and update if necessary the assessment of the strategy included in the deposit LDP.

7.2.3.3 It will also need to take account of relevant representations on the SA Report at pre-deposit stage and document such changes.

7.2.3.4 In preparing the deposit LDP a number of additional policies and small sites may have been added. The SA Report should describe how these perform against the integrated assessment framework including any cumulative effects (section 5 of the SA Report structure at Figure 6.4). The statutory Consultation Bodies should be notified and given opportunity for comment.

7.2.3.5 In total it should include a description of the economic, social and environmental effects of the plan policies or where this material can be found. (section 6 of the SA Report structure).

7.2.3.6 The Non-Technical Summary and any other background material should also be updated.

7.3 Supplementary Planning Guidance

7.3.1 The emphasis on more strategic and focused LDPs serves to increase the potential use of SPG, which can provide further detailed information in support of the LDP. It will be important to consider the potential role of SPG in relation to the LDP strategy and policies, and also in terms of the implications for resources, the timetable, and monitoring. The LDP contains policy; SPG contains guidance and advice only. All SPG should derive from a generic policy or - in the case of a brief - from a site allocation. SPG should not be used to determine the appropriate type, scale and level of development for particular sites. They should go through a process of consultation followed by necessary changes before formal adoption. SPG that do not meet these criteria are likely to be given limited weight at appeal.

7.3.2 LPAs should review the effectiveness and relevance of their existing SPG early in the preparation of the LDP. Existing SPG should be revised to state which LDP policies it supplements. The LDP should note which of its policies are supplemented by SPG.

7.3.3 Authorities should identify key SPG which is crucial to the implementation of the LDP (as discussed in 4.3.2). The Delivery Agreement could establish what SPG will be prepared (or revised) and when, and the timetable could also indicate when SPG would be issued for consultation and the length of that consultation. When a Delivery Agreement is first prepared or one is revised the expectation will be that it properly details the procedures to apply to SPG and identifies the means of community involvement suitable for different types of SPG (see section 4.4.2). Commitments to engage and consult must be followed if the SPG is to be of value. SPG will carry little, or no, weight unless it is produced in accordance with a Community Involvement Scheme. The deposit LDP should include information on related SPG with anticipated timescales for adoption.

7.3.4 While SPG must relate to a particular LDP policy and there must be local engagement there will be some SPG issues that are common to a number of authorities. It will be more efficient if SPG is produced jointly with other LPAs wherever possible. Alternatively groups of LPAs could collectively identify a good practice example to adopt as a model approach, tailored to the local circumstances.

7.3.5 Policy on the role of SPG and its method of preparation is given in the LDP chapter of PPW. In development management terms, SPG will have a key role in interpreting and expanding on generic policies in the LDP. SPG can:

- Provide important guidance to expand on topic-based policy to assist the implementation of the LDP (e.g. conservation area detailed policy).
- Cover detail and numerical guidelines/thresholds where they may change so as to avoid the LDP becoming quickly outdated and to assist flexibility (e.g. car parking standards)
- Provide additional detailed guidance on the type of development expected in an area allocated for development in the LDP. This could take the form of a development brief or a more design orientated master plan.

7.3.6 In preparing SPG, it is important to consider the following procedural issues:

- Development management colleagues should be involved.
- Relevant consultees (LDP Wales) should be consulted.
- A draft should be made available for public consultation.
- SEA Regulations 'screening' process should be used if considered necessary (see 5.5.1).
- SPG should be formally adopted by the LPA, so that proper weight can be given to it by Inspectors when determining appeals;
- Adopted SPG should include, or reference, a statement of consultation and any changes made.

- Its effectiveness alongside the policy it supplements should be evaluated as part of the annual monitoring process (see section 9.4). (Annual monitoring also has a role to play in identifying the requirement for any new or updated SPG.)

7.3.7 Where SPG relates to, and would help the understanding of, the implications of the plan or a particular policy (key SPG), it should be prepared and consulted on in parallel with the LDP. SPG is not subject to examination but should be consistent with national policy. It should not be adopted formally until after the Inspector's report is received on the LDP, and the policy approach has been confirmed. Any documents adopted as SPG should accord with the accepted procedures for SPG (i.e. consultation, revision and approval).

7.4 Placing the LDP on Deposit

7.4.1 Publicise

7.4.1.1 When an authority is ready to place the LDP on deposit for public inspection it must advertise this in accordance with Regulation 17. Together with other specified documents, it must be sent to the Welsh Government and to the consultation bodies referred to in Regulation 14, namely the statutory consultees and any others specified in the CIS, allowing six weeks (with an allowance for public holidays) for the making of representations (Regulation 18). The consultation should meet the requirements of the SEA Regulations. For a partial revision using the short form procedure the appropriate Regulations are 26B&C (see section 10.2).

7.4.1.2 The authority should send the Welsh Government 4 copies of the deposit plan and 2 copies of any other documents referred to in the published statement; where practicable, one electronic copy of the documents should also be provided.

7.4.1.3 All documents, including any summary of the LDP, should be made available in paper form (at reasonable cost) as well as on LPA websites.

7.4.2 Accompanying documents

7.4.2.1 The substantive accompanying documents are:

- The SA Report and HRA (sections 3.2 and 7.2.3).
- A list of supporting documents relevant to the preparation of the LDP - this comprises key parts of the evidence base on which the LDP is founded (it is important that respondents have access to these if requested, so as to inform their representations).
- Candidate sites register

- Details of alternative sites proposed by those making representations at pre-deposit stage and any representations made regarding proposed allocations or sites listed in the candidate sites register. The LPA can record its own views as to why it is not currently proposing the alternative sites in the plan but it must make it clear that there is the potential for this to change and that stakeholders need to express their views on the alternative sites now.
- Review Report (where appropriate)
- The initial Consultation Report (section 6.6).

7.4.3 Using a standard form for representations

7.4.3.1 In preparing their responses, community representatives and members of the public may wish, where appropriate, to seek assistance from Planning Aid Wales. Everyone making representations (LDP Regulation 18 / 26C) should be encouraged to use a standard form setting out clearly any supporting representation or objection (i.e. a representation seeking to change an LDP – section 64(6) of the 2004 Act). Although not necessary, objectors should be given the opportunity to indicate which of the tests of soundness they consider the plan fails. Objectors should be asked to indicate how they consider the plan should be changed.

7.4.3.2 A model representation form provided by the Planning Inspectorate Wales is available on the Planning Inspectorate website, produced in consultation with Inspectors and Planning Aid Wales using experience from previous examinations. The form encourages that support for the plan be recorded.

7.4.3.3 In all cases, respondents should specify the particular part of the plan to which their representation relates, by paragraph, policy number, or to the Proposals Map. In the case of a perceived omission, respondents should indicate where the proposed new policy or supporting text should go. Respondents should identify how their representation fits with the overall strategy, and the appraisal conducted under the integrated assessment SA framework. This will be essential where the representation seeks the inclusion of a new or extended site. (For short form revision see 10.2.10.)

7.4.3.4 The Planning Inspectorate's guidance provides further explanation of the procedural requirements, the 3 soundness tests and related questions.

7.4.4 Handling representations

7.4.4.1 LPAs must register all duly made representations (i.e. representations made in accordance with the published notice) relating to planning considerations, not just those explicitly concerned with soundness.

7.4.4.2 An authority does have discretion to accept **late representations** but this should only be considered in exceptional circumstances which could be clarified in the authority's CIS. An authority should also inform those who have a statutory right to appear before, and be heard by, the examination Inspector (i.e. objectors, those who seek a change to the plan – under Section 64(6) of the 2004 Act) that they may

pursue their objections by using the written representation procedure if they do not wish to appear at the examination. Objections pursued in this way carry as much weight with Inspectors as those made orally at examination.

7.4.4.3 The procedure for making representations available for inspection is set out in LDP Regulations 19 & 26D. All representations should be made available for the public to view as soon as reasonably practicable. It is recommended that a summary list of these is posted on the LPA's website with details of where they can be viewed.

7.4.4.4 It is recommended that the LPA sets up a **consultation database** (which, once completed, can be made available for the public to view) as a tool to process the representations if they have not already done so. Information should include the following fields, as a minimum:

- Respondent details.
- The specific part of the plan to which their representation relates.
- Whether they support or object.
- Any suggested changes to the plan, including relating to sites.
- Any pre-examination contact with respondents (see 7.5.1).

7.4.4.5 The database should be capable of being interrogated such that similar representations are capable of being identified, to allow the Inspector to group objectors at the examination, where appropriate.

7.4.4.6 Consultation database software exists in various forms; there may be scope for sharing good practice between authorities or between different departments. Lessons learned through the implementation of wider e-government initiatives and the online submission of planning applications may be of value.

7.4.4.7 Where any statutory processes have not been undertaken for sites submitted late in the preparation process, the Inspector's report would not be able to recommend their inclusion in the LDP. Furthermore, if such a change would make the LDP unsound, the Inspector would not be able to recommend in its favour. It is therefore the responsibility of those promoting such changes to show that the proper procedures have been undertaken and to provide the necessary evidence to demonstrate that the plan would be sound if the site were to be included. This would include the site's compatibility with the SA.

7.5 Preparations for Submission

7.5.1 Updating the Consultation Report

7.5.1.1 Where there are strategic and/or substantial objections to the deposit plan, or ones from statutory consultees, the LPA may wish to discuss further with the respondent(s), whether they will reconsider their objection, and which aspects can be agreed in order to narrow the disagreement to its essentials. Including areas of agreement/disagreement with substantive objectors, which may include a

compromise position, in a “**statement of common ground**” for the Inspector would be helpful at this stage. Any subsequent contact with respondents should be identified in the consultation database.

7.5.1.2 The LPA should update its initial Consultation Report by summarising the representations made at the deposit stage and their responses. Requirements in relation to the content of the Consultation Report are at Regulation 22(2)(c). The authority should include a summary of the main issues raised during the plan-preparation process at the pre-deposit and deposit stages, including by representors, and outline how it considers the issues raised at pre-deposit stage have been addressed in the LDP, and how those raised at deposit stage should be addressed. The report should include a list of any changes to the deposit plan suggested by respondents with which the LPA agrees. The LPA should include a summary of any new or alternative sites in their Consultation Report regarding who has responded and the LPA’s views on the sites.

7.5.1.3 The LPA should finalise its consultation database, indicating in the final field whether it agrees or disagrees with the representation or what compromise might be available.

7.5.1.4 The LPA should make a list of all the parties who are to be informed of the forthcoming examination hearing, the publication of the Inspector’s Report and the adoption of the LDP. This should be drawn from extant lists of statutory consultees and all those who submitted comments at the pre-deposit stage and on the Deposit LDP. (LDP Regulations 24 and 25)

7.5.1.5 Beyond an acknowledgement of receipt, LPAs are not required to respond to individual representations, although some may choose to do so. LPAs are however required to notify all respondents of the forthcoming examination hearing.

7.5.2 Updating the SA Report

7.5.2.1 The LPA should consider all consultation comments at deposit stage on the SA Report and consider the need for any changes. This might include for example additional information for the baseline or new effects at local area that had not previously been identified. Any resulting changes should be well documented.

7.6 Dealing with Late Changes; Focussed Changes

7.6.1 The authority should only place a plan on deposit if it considers it is sound. It will need to justify this assertion at the examination and because of this must consider carefully the extent to which recommending changes after deposit will throw into doubt the overall soundness of the deposit plan and erode its position at examination.

7.6.2 Changes after deposit should be avoided wherever possible through careful deposit plan preparation involving stakeholders and the community, grounded on robust evidence. Formal changes to the deposited LDP proposed prior to examination are not likely to be required if the process of continuous community

involvement has been effective and all realistic alternatives were properly considered during the preparation stage. Exceptionally it may prove necessary to consider proposing changes to ensure the plan is sound, for example, where there has been a sudden, major change in local circumstances, new national planning policy has been introduced or deposit plan representations identify an unforeseen soundness issue.

7.6.3 This should be one set of an extremely limited number of focussed changes that reflect key pieces of evidence but do not go to the heart of the plan, affecting only limited parts of it. An authority must consider carefully the impact at this stage of any changes on the soundness of the plan taking account of its overall consistency and its strategy as well as of the integrated SA assessment process (including any cumulative effects). Consultation on these proposed changes should take place at the earliest opportunity to avoid delaying the examination process.

7.6.4 Consequently, to facilitate logical and rational changes being brought forward to the examination in the most appropriate and time efficient way, we consider that immediately preceding submission of its LDP for examination, the LPA should commence advertising through public consultation (6-week period) an addendum to the deposit plan. This addendum should set out the focussed changes it wishes to be made, showing the new / revised policies and text (to ensure the Inspector is in a position to incorporate them into the 'binding report'), and supported by the reasoning and robust evidence for the changes. The documentation should make clear that representations should only be made on the focussed changes and that this is not an opportunity to add to original representations.

7.6.5 The authority must indicate what the implications of the focussed changes are in terms of the soundness of the plan, having regard to the following:

- i. how the proposed change relates to the plan's strategy;
- ii. how the proposed change relates to the SIP / NPMP for the area;
- iii. whether it has regard to national policy, including the Wales Spatial Plan;
- iv. whether it has regard to other relevant plans and strategies which will affect the delivery of the policies in the plan, e.g. Local Transport Plans;
- v. whether it has any economic, environmental or social implications leading to a revision of the SA; and
- vi. what further consultation has been or is being undertaken by the authority.

7.6.6. The results should be incorporated into the SA report which should be publicised and the Consultation Bodies should be notified.

7.6.7 The addendum would form an important part of the package of documents submitted to the Welsh Government and Planning Inspectorate with the deposit plan for examination. Provided the focussed changes addendum has been the subject of consultation and revised SA (if necessary) it will be accepted by the Planning Inspector as part of the submitted LDP; it will be the submitted LDP as amended by the proposed focussed changes that will be the starting point for considerations of soundness.

7.6.8 The LPA should collate the responses it receives and forward them as soon as practicable, together with a summary, directly to the Planning Inspector so that he/she has all the information necessary to commence the examination; this is purely procedural and does not require any further resolution of the LPA at this point. There is no need for the LPA to comment on the responses received. The Planning Inspectorate will not examine the plan until any proposed focussed changes have been submitted.

7.6.9 If the LPA is considering making fundamental changes that affect the strategy and are of such a significant nature and scale as to go to the heart of the plan, it will need to give careful thought as to how the plan can be taken forward. Such fundamental changes could have implications regarding the 'soundness' of the plan. The LPA will need to consider the extent to which the need for such fundamental change throws into doubt the overall soundness of the deposit plan.

7.6.10 Minor editing changes for factual correction (typos and grammatical errors) do not require public consultation and should not be included in the advertised addendum as the Inspector has sufficient authority to make such editing changes. These changes could simply be listed as an attached schedule to accompany the LDP when submitted for examination.

7.6.11 There should be no need to amend the LDP Timetable. This step is not intended to delay submission nor lead to an overall delay to the examination process; the Planning Inspector will arrange the date of the pre-hearing meeting and the date of the opening of the hearings accordingly.

7.7 Summary of Deposit Tasks

Integrated LDP Tasks	SA Specific Tasks
Preparation of deposit LDP / revision documents.	Preparation of SA Report indicating how SEA requirements have been incorporated into integrated assessment and how regard has been had to SEA elements and associated consultation.
Formal deposit; publish & consult on LDP documents (i.e. deposit LDP, updated SA Report, initial consultation report, candidate sites register, review report, supporting documents). (statutory 6 weeks)	Make updated SA Report available with deposit plan (SEA statutory minimum 4 weeks)
Consider representations on Deposit LDP and any new information.	Consider representations on SA Report
Reconsider Delivery Agreement timetable; submit definitive timings for remaining plan stages.	

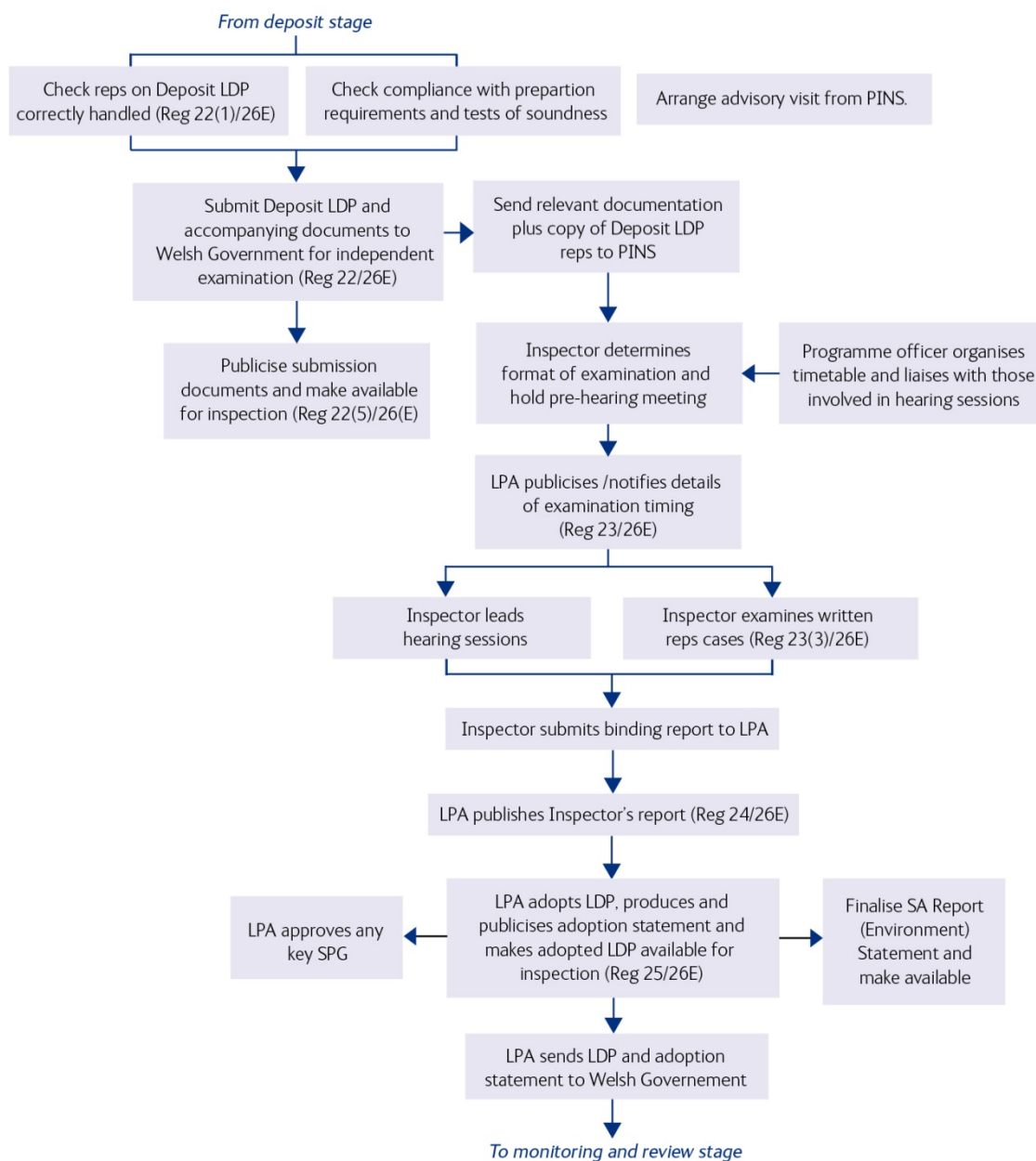
Appoint examination Programme Officer.	
Prepare updated Consultation Report.	Update SA Report.
Consider need for exceptional Focussed Changes in the light of the plan assessment framework	Incorporate SEA effects in integrated assessment SA of exceptional late changes.
Prepare, publish and consult on Focussed Changes plan addendum with any supporting documentation (6 weeks). Prepare summary of representations for Inspector.	Advertise revision to SA Report and notify Consultation Bodies. Summarise representations for Inspector.

N.B. Where the short form plan revision procedure is deemed appropriate not all stages may be relevant - see 10.2.

See Table 3.3 for consultation requirements.

8. Submission, Examination and Adoption

Figure 8.1: Submission, Examination and Adoption



8.1 Introduction

8.1.1 This chapter provides guidance on the tasks involved in submitting the LDP. It includes the role of the Inspector at the examination and what will be expected of the authority and other participants at the examination, drawn from the Planning Inspectorate guidance¹⁶. This chapter also covers the final adoption of the LDP after receipt of the Inspector's binding report.

¹⁶PINS guidance: "Local Development Plan Examinations: Procedure Guidance" [2015]; and, "LDPs: Preparing for submission – Guidance for Local Planning Authorities" [2015]

8.1.2 When the LDP is submitted for independent examination, the authority must publicise the submission and both publicise and make available the relevant documentation (LDP Regulation 22).

8.2 Submission

8.2.1 Soundness tests and checks

8.2.1.1 Submitting the LDP for independent examination involves sending the Deposit LDP and accompanying documents to the Welsh Government and to the Planning Inspectorate, in accordance with LDP Regulation 22.

8.2.1.2 An LPA should double-check before submission that it has complied with the **preparation requirements** and that it considers that the plan meets the **3 tests of soundness**; see below¹⁷; the questions listed under each test are intended to assist in indicating the matters that may be relevant under each test – the lists are neither exhaustive nor necessarily apply in every case.

Preparation Requirements:

- Has preparation complied with legal and regulatory procedural requirements? (LDP Regulations, CIS, SEA Regulations, SA, HRA etc?)
-

Soundness Tests:

Test 1: Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?)

Questions

- Does it have regard to national policy and WSP
- Does it have regard to Well-being Goals¹⁸
- Does it have regard the Welsh National Marine Plan
- Is it consistent with regional plans, strategies and utility programmes?
- Is it compatible with the plans of neighbouring authorities?
- Does it reflect the Single Integrated Plan (SIP) or the National Park Management Plan (NPMP)?

¹⁷ PINS examination guidance is available from the PINS website (<http://www.planningportal.gov.uk/planning/planningsystem/localplans>).

¹⁸ Specified in the Well-being of Future Generations (Wales) Act 2015.

Test 2: Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?)

Questions

- Is it locally specific?
- Does it address the key issues?
- Is it supported by robust, proportionate and credible evidence?
- Can the rationale behind plan policies be demonstrated?
- Does it seek to meet assessed needs and contribute to the achievement of sustainable development?
- Are the vision and the strategy positive and sufficiently aspirational?
- Have the 'real' alternatives been properly considered?
- Is it logical, reasonable and balanced?
- Is it coherent and consistent?
- Is it clear and focused?

Test 3: Will the plan deliver (i.e. is it likely to be effective?)

Questions

- Will it be effective?
- Can it be implemented?
- Is there support from the relevant infrastructure providers both financially and in terms of meeting relevant timescales?
- Will development be viable?
- Can the sites allocated be delivered?
- Is the plan sufficiently flexible? Are there appropriate contingency provisions?
- Is it monitored effectively?

8.2.1.3 The Welsh Government will monitor consistency with national policy throughout the LDP preparation process, and is likely to discourage submission if there is a fundamental conflict. If a plan is considered to be fundamentally unsound this will be drawn to the attention of the LPA so that any necessary action (i.e. withdrawal) is taken before submission. If the Welsh Government makes an objection based on soundness in the normal way, it will be considered at the examination. But fundamentally unsound plans should not be submitted for examination.

8.2.2 Submission documents¹⁹

8.2.2.1 In accordance with LDP Regulation 22 an authority must publicise and advertise the submission and both publish and make available the relevant documentation. It must send simultaneously to the Planning Inspectorate and the Welsh Government's Planning Division paper copies²⁰ and, where practicable, one electronic copy of **the following documents**:

¹⁹ PINS' submission checklist should be referred to; contained in "LDPs: Preparing for submission - Guidance for Local Planning Authorities" 2015, PINS.

²⁰ The Welsh Government generally requires 2 copies of every document referred to in the list except copies of individual representations which should not be sent; LPAs should check specific requirements with Planning Division. The Planning Inspectorate requires copies as specified in its submission checklist.

- i. the deposit LDP;
- ii. the schedule of focussed changes (where applicable);
- iii. the SA report;
- iv. the review report (where applicable - for LDP revision);
- v. the candidate sites register (where applicable)
- vi. all other supporting evidence-base material and technical documents such as the HRA, housing needs survey;
- vii. the DA incorporating the CIS;
- viii. the consultation report (which should update and expand upon the initial consultation report - see sections 6.6 & 7.5.1.2) including:
 - a. a summary of how it has involved the community and stakeholders in the preparation of the plan and SA (including the SEA),
 - b. any deviation from the CIS with explanation (Regulation 9(6)),
 - c. a summary of the main issues raised at pre-deposit stage with how these have been addressed in the plan, and how those raised at deposit stage should be addressed - this will act as guidance to the Inspector, whose prerogative it is to determine such matters,
 - d. the total number of representations received, and
 - e. the authority's recommended changes in response to relevant representations and/or new information that in the authority's view would amend the deposit plan without jeopardising its soundness - this should be as short and simple as possible, and should use previously prepared material (e.g. reference to a committee report or the consultation database);
- ix. any statements of common ground; and
- x. a copy of all representations made to the deposit plan (*required only for PINS*).

8.3 Examination

8.3.1 Function and timescales

8.3.1.1 The function of the examination is to assess whether preparation requirements have been followed and whether the submitted LDP meets the tests of soundness (see 8.2.1). The Inspector will consider individual objections on the basis of how these address the LDP's overall soundness.

8.3.1.2 The examination should be a quick and efficient part of the overall process of delivering an up-to-date LDP. The period of time from formal submission of the LDP to issue of the Inspector's report should take no more than 12 months, and considerably less for less significant partial revisions to the plan.

8.3.1.3 The Planning Inspectorate will appoint an independent Inspector or team of Inspectors, on behalf of the Welsh Government. Where the issues are complex or there are a large number of objections, it may be necessary to appoint one or more assistant Inspectors in order to avoid delay; planning assistants may also support the appointed Inspector.

8.3.1.4 Early discussions with the Planning Inspectorate are useful to clarify the timetable and procedural aspects for the examination, including any need for the LPA to assist the appointed Inspector/s with Welsh language representations. Authorities should request an advisory visit by the Planning Inspectorate to discuss the appointment and role of a Programme Officer and the handling of the examination.

8.3.1.5 The LPA will appoint a Programme Officer with suitable administrative experience. It is important that the Programme Officer is appointed early in the process, preferably at Deposit stage. The Planning Inspectorate will not commence an examination until a Programme Officer is in place. The Programme Officer is responsible for:

- Managing the day-to-day arrangements of the programme before and during the proceedings.
- Recording all documents and plans submitted during the course of the proceedings.
- Arranging for the inspection of the sites by the Inspector.
- Dealing with correspondence with objectors and the authority on behalf of the Inspector, including requests for and exchanges of all statements.

8.3.1.6 The most likely source of an experienced Programme Officer is from a pool of independent officers, for which the Planning Inspectorate holds a list. Programme Officers should be appointed once deposit representations have been received.

8.3.1.7 The efficiency of the examination will be heavily dependent on the maintenance of a comprehensive web-site where all the examination documents should be available. It is essential that the LPA makes provision for adequate web-space and provides the resources for the site to be up-dated rapidly especially during the hearing sessions. Provision should also be made for the translation of documents where appropriate.

8.3.1.8 Accommodation for the formal proceedings is provided by the LPA. Adequate arrangements must be made for accommodating participants, the general public and the press as well as the Inspector and Programme Officer. The accommodation should be accessible both in terms of public transport and in terms of suitability for disabled people. The Inspector will determine whether translation facilities will be required but will normally adopt the approach taken by the LPA.

8.3.1.9 The LPA must give the requisite notification of the examination hearings (set down in LDP Regulation 23); this should outline how, where, and when the proceedings are to take place, their purpose, and the name of the Inspector. The LPA must also inform those that are entitled to participate in the examination.

8.3.2 Participation in the examination and format

8.3.2.1 Detailed guidance on the examination process is provided in PINS' "Local Development Plan Examinations: Procedure Guidance". The following is an overview.

8.3.2.2 The Inspector's role is proactive. Depending on the nature and complexity of the examination he or she will usually hold a pre-hearing meeting to identify the issues to be discussed and the format for the examination, and may hold subsequent programming and agenda-setting meetings.

8.3.2.3 At the start of the opening session of the examination, the Inspector will explain:

- The nature and purpose of the examination.
- That a resulting report will be made to the LPA.
- The role of any assistant Inspectors or planning assistants.
- What was agreed at the pre-hearing meeting.
- The timetable for the examination.
- Details of the arrangements for any site visits.

8.3.2.4 The Inspector may require brief written statements by hearing session participants in response to specified questions, or proofs of evidence to be submitted by a particular date, and arrangements will be put in place for this material to be made available to all participants in the sessions.

8.3.2.5 All representations should be focused and avoid repeating contextual material readily available to the Inspector. Objectors, including those who are to be heard at the examination, should rely on their original representation unless they have additional new information that would help the Inspector. No substantive new material should be brought to the examination which has not been considered by the LPA during the preparation of the LDP, unless it is essential to substantiate an objection. Most substantive new information is best considered in a review of the adopted plan.

8.3.2.6 Written representations are given no less consideration by the Inspector than those dealt with orally at the examination.

8.3.2.7 The oral hearing sessions will take the form of a public discussion where the issues identified in advance by the Inspector are discussed and participants invited to contribute. Inspectors are able to invite anyone to attend the examination, including supporters, and, where necessary, those who made no representations, or have not asked to be heard, if this would be essential to determine the soundness of the plan. However supporters of the plan do not have a right to be heard.

8.3.2.8 The Inspector will ensure that those who have exercised their right to be heard (section 7.4.4.2) have the opportunity to participate in the examination in the most efficient and effective manner. 'The right to be heard' essentially means the right to make representations to the Inspector and to appear in person at the examination. The way in which they are heard is a matter for the Inspector. The Inspector will group objectors together to ensure the most efficient use of examination time, for example if they relate to the same site or group of sites, the same settlement or policy.

8.3.2.9 The Inspector will determine the procedures to be used to hear representations orally, with the presumption that they will be informal. Most will be heard by round table discussion, which has particular applicability for assessing the strategy, or hearings which may, in some circumstances, be more appropriate for the detail of assessing specific site allocations.

8.3.2.10 Formal hearings may be used if the Inspector considers this necessary and appropriate, usually where the evidence needs to be tested in a more inquisitorial manner with the assistance of advocates. Even then the examination will be led by the Inspector, adopting the most efficient procedure to enable him/her to determine whether the LDP is sound.

8.3.2.11 The sequence in which matters are examined is determined by the Inspector depending on the nature of the issues chosen for debate. Generally there are benefits in examining the strategy in advance of site allocations, especially where the strategy is controversial and the Inspector may issue interim findings.

8.3.2.12 There may be scope for concurrent sessions within an examination led by different members of the Inspectors' team where issues chosen for debate are not interrelated, subject to availability of staff resources. There may also be scope for joint examinations or partial joint examinations, where adjoining authorities have similar issues to address and their LDPs have reached similar stages.

8.3.2.13 The Inspector will visit those parts of the area covered by the plan that are of most relevance, and, where necessary and having regard to the tests of soundness, the Inspector will visit only those sites that will assist in reaching conclusions on those tests. Site visits will be unaccompanied unless the Inspector needs to enter private land or buildings. On accompanied visits, the Inspector is concerned only with observing physical and environmental characteristics and will not discuss the merits of objections or proposals. The Inspector may seek confirmation or clarification of certain features that can be seen on the site during an accompanied visit.

8.3.2.14 Before or during the hearing sessions the Inspector may identify the need for revisions to the plan to ensure it meets the soundness tests and ask the LPAs to propose appropriate 'matters arising changes' (MACs). A schedule of these changes should be maintained and made available on the examination web-site.

8.3.3 SA aspects

8.3.3.1 It is for the LPA to satisfy itself that it has carried out the SA work correctly. The role of the Inspector at examination is to consider the soundness of the LDP using the SA elements of the work as part of the evidence base and reasoned justification.

8.3.3.2 There may be circumstances in which it appears to the Inspector that the evidence in the SA Report is either insufficient to come to satisfactory conclusions about the soundness of the LDP, or that the integrated assessment is actually deficient and does not give the necessary support for the LDP. In such cases the Inspector may have to adjourn the examination for the necessary SA evidence to be made available, or to recommend that all or part of the LDP is not adopted until the necessary evidence has been gathered and the integrated assessment is revised and the environmental report is amended.

8.3.3.3 If an objector proposes an alternative site which has already been assessed as part of the LPA's work in preparing the plan, the Inspector will consider the merits of the objector's case that the LPA's assessment is flawed. However, the starting point of the examination is that the strategy and the allocations in the LDP are sound and that the Inspector will not look beyond them unless it is concluded to be otherwise.

8.3.3.4 Where a new or alternative site was suggested by a respondent at the pre-deposit stage, it is important that the additional SA information has been made available to the statutory consultation bodies.

8.3.3.5 An Inspector would not be able to recommend a change to the deposit plan unless there is sufficient SA information to be able to understand what the effects of the change would be. The Inspector would need to be satisfied that the inclusion of the site would result in a sound plan. Any such change has to be based on evidence that shows how the change would affect the plan in terms of its sustainability.

8.3.4 Inspector's report

8.3.4.1 When assessing the soundness of an LDP, the Inspector will exercise his or her professional judgement based on the evidence available, the representations made, and the particular circumstances of the LDP and the area. The Inspector's overall aim is, wherever possible, to get the LDP to the stage where it is sound and can be safely adopted.

8.3.4.2 After the hearings the Inspector will produce a report specifying precise recommendations identifying required changes to the LDP (including to the proposals map) together with reasons for the changes (section 64(7) of the 2004 Act). The report will not summarise any cases submitted to the examination but will focus on the issue of whether the LDP is sound, which the Inspector's conclusions will address.

8.3.4.3 It follows that any changes to the submitted LDP made by the Inspector in his/her report must themselves be demonstrably sound. Any changes must for example:

- Accord generally with national policy and the Wales Spatial Plan.
- Not impact directly on anyone who has not had the opportunity to comment.
- Be based on the evidence available at the examination.
- Be supported by clear reasons based on the evidence.
- Accord with the strategy of the LDP.
- Be realistic and capable of delivery.

8.3.4.4 An Inspector would not be able to recommend including any new or alternative site in the LDP if this would make the plan unsound. However, the Inspector may recommend the inclusion of a new or alternative site if it would be sound to do so.

8.3.4.5 In extremis, if the plan were patently unsound, the Inspector might recommend that it be withdrawn. An Inspector who considers that a plan is fundamentally unsound will not recommend that it be adopted. However assuming that soundness checks are made before submission (see section 8.2.1.2), this eventuality should be unlikely.

8.3.4.6 Otherwise the most likely outcomes from the assessment of soundness undertaken by the Inspector are that:

- Additional work is needed before the LDP can be examined further.
- The plan (including any proposed focussed changes) is considered sound, subject to “matters arising changes” agreed by the LPA and/or a small number of additional Inspector changes.

8.3.4.7 The conclusions reached by the Inspector will be **binding** and **the authority must accept the changes required by the Inspector and adopt the LDP as amended.**

8.3.4.8 The authority has an opportunity before the Inspector’s report is finalised to request the correction of factual errors. The authority may not question the Inspector’s conclusions, although it may seek clarification on any conclusion considered to be unclear. Authorities should complete the fact check within two weeks of receiving the Inspector’s report. Once the fact check has been completed and the Inspector has responded to any points raised, the final report will be submitted to the authority and to the Welsh Government’s Planning Division in electronic and paper format. The timetable for the Inspector’s report will be agreed between the authority and the Planning Inspectorate as part of a service level agreement.

8.3.4.9 In terms of translation into Welsh, the Planning Inspectorate will accord with its Welsh Language Scheme, as clarified in its published LDP examination procedural guidance. The definitive report will be the original report as written by the Inspector, prior to being translated.

8.3.4.10 The examination will formally close upon delivery of the Inspector's report to the LPA.

8.4 Adoption

8.4.1 Publication of Inspector's report

8.4.1.1 An authority must publicise and make available the Inspector's report by the day of adoption of the LDP; it must also inform those who requested to be notified of its publication (LDP Regulation 24).

8.4.1.2 Publication of the Inspector's report involves making copies available for inspection at the locations where the plan was deposited and on the authority's web site, in accordance with LDP Regulation 24.

8.4.2 Adoption Statement and Finalised SA Report

8.4.2.1 Unless the Welsh Government intervenes, the authority must adopt the LDP by resolution, within 8 weeks of receipt of the Inspector's report; it must prepare an adoption statement, and as soon as reasonable practicable, publicise the fact that the LDP has been adopted and where it can be inspected (LDP Regulation 25).

8.4.2.2 The adoption statement must specify the date of adoption and the High Court challenge (grounds and period). It should also summarise how the LPA has taken the findings of the integrated assessment process into account and how sustainability considerations more generally have been integrated into the LDP. This summary must make clear any changes made to the LDP as a result of the assessment process and responses to consultation, or why no changes were made or options were rejected. The SA Report should be finalised to identify the implications of any significant changes recommended by the Inspector in his/her binding report. It should refer to the proposed integrated monitoring measures. The final SA Report / adoption statement should incorporate all the information required by SEA Regulation 16(4).

8.4.2.3 The adoption statement need not duplicate a lot of material already in the Inspector's Report, SA Report and the Consultation Report, but could use cross-references to these documents. This should result in a relatively short statement of no more than 2 to 3 pages.

8.4.3 LDP Publication

8.4.3.1 Copies of the adopted LDP, the adoption statement, the Inspector's report and the final SA report must be made available for inspection at the locations where

the plan was deposited and on the authority's website; copies of the adoption statement must be sent to those who have asked to be notified of the adoption (LDP Regulation 25 & 39).

8.4.3.2 These documents should also be available for purchase at a reasonable fee as soon as practicable. Final publication of the LDP should follow as soon as possible and as outlined in the Delivery Agreement. The authority must send four copies of the adopted LDP and the adoption statement to the Welsh Government.

8.4.3.3 It is recommended that LPAs produce a summary note of their LDP (this could be a single sheet, or short pamphlet - see 6.4.3).

8.4.3.4 An LDP becomes operative on the date it is adopted or, if the plan has been called in, the date it is approved by the Welsh Government. A six-week challenge period to the High Court is provided by the 2004 Act (section 113). The basis of challenge and possible outcomes are explained in the LDP chapter of PPW .

8.4.4 Plan withdrawal

8.4.4.1 An LPA may withdraw an emerging LDP at any time before it is submitted to the Welsh Government and Planning Inspectorate for independent examination. Once the plan is submitted, it can only be withdrawn if the Inspector carrying out the examination recommends that it is withdrawn (and the Welsh Government does not overrule that recommendation), or the Welsh Government directs that the plan should be withdrawn.

8.5 Summary of Submission, Examination and Adoption Tasks

Integrated LDP Tasks	SA Specific Tasks
Submit deposit LDP / revision (exceptionally, as amended by any proposed focussed changes), SA Report, DA/CIS, review report, consultation report, candidate sites register, a copy of deposit representations, supporting documents / background papers. When available, forward to the Inspector responses to focussed changes consultation and a summary.	Submit Authority's SA Report including assessment of any focussed changes and proponent's SA report on any new or alternative sites not previously assessed.
Examination by independent Inspector(s) with hearings as appropriate (provide venue / Programme officer). Publicise and notify concerning examination and any hearing sessions. Pre-hearing meeting to identify issues and examination format.	

<p>Agree & submit any statements of common ground (see section 6.2.4.4, 7.5.1).</p> <p>Prepare & submit statements for hearing sessions.</p> <p>Consider any requirement for 'matters arising changes' (MACs); publicise and consult as appropriate. (6 weeks)</p>	
<p>Publication of binding Inspector's report</p> <p>Adoption within 8 weeks of receipt of Inspector's report.</p> <p>Publish the adopted LDP.</p> <p>Prepare adoption statement; publicise adoption; notifications.</p>	<p>Publish / make available finalised SA Report.</p> <p>Inform statutory bodies and issue public notice of adoption and availability of plan, adoption statement of how environmental considerations and representations have been taken into account, and measures for monitoring proposals.</p>

N.B. Where the short form plan revision procedure is deemed appropriate not all stages may be relevant - see 10.2.

See Table 3.3 for consultation requirements.

9. Monitoring

9.1 Introduction

9.1.1 Monitoring is a continuous process from the end of one cycle of plan making to the end of the next. It represents a crucial feedback loop within the cyclical process of sustainable policy-making. It connects the objectives of the plan to the evidence base and subsequent implementation of the strategy. Any future plan review and policy development should be underpinned by the findings in the monitoring framework.

9.1.2 The 2004 Act requires authorities to keep under review matters that may affect the planning and development of their areas. This is not a new requirement and should be an on-going function informing both plan preparation and its subsequent monitoring. Effective monitoring is a vital aspect of evidence-based policy making (see section 5.3.3).

9.1.3 Monitoring takes on an added importance in providing a check on whether movement towards sustainable development is being achieved (see section 9.2.2). The SEA Regulations specifically require monitoring to identify unforeseen adverse effects and to enable appropriate remedial action to be taken. Additionally the SEA elements of monitoring should help:

- To identify whether the predictions of sustainability effects were accurate.
- To identify whether the plan is contributing to the achievement of integrated objectives and targets (including SEA requirements).
- To identify whether mitigation measures are performing as well as expected.
- To identify whether any adverse effects are within acceptable limits or whether remedial action is required ; and
- To fill gaps in existing SEA baseline information where relevant and manageable.

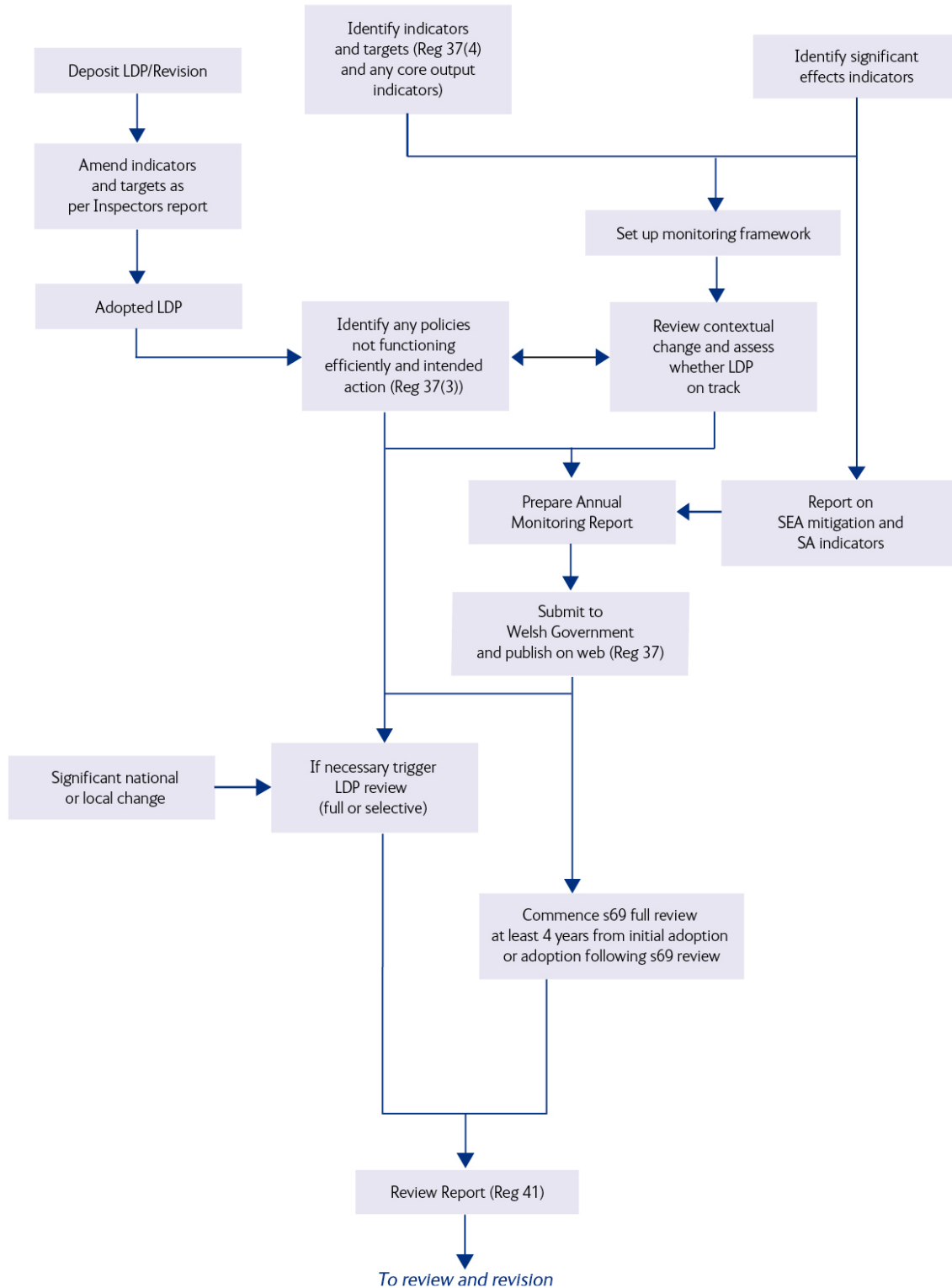
9.1.4 To avoid duplication of results between the monitoring carried out for the SEA and the development plan, the LPA should seek to integrate comparable indicators in the interests of efficiency and clarity.

9.1.5 This chapter brings together guidance on setting up a monitoring framework, developing targets and indicators and producing an Annual Monitoring Report (AMR).

9.2 Principles for setting up a Monitoring Framework

9.2.1 Thinking about a monitoring framework should start at the evidence gathering stage (Chapter 5), and indicators will need to be built into the deposit LDP (Chapter 7) and the SA (see sections 5.4, 6.4.4 and Figure 6.4), and if necessary reviewed in the light of any responses to consultation.

Figure 9.1: Monitoring



9.2.2 The monitoring framework should be designed to assess the performance of policies in achieving the integrated plan objectives (see section 5.4) which incorporate sustainable development and SEA requirements. It should identify the key provisions of the plan and set out relevant indicators, targets and trigger points which will demonstrate whether the plan is effective at delivering on its strategy and if key site specific allocations are being delivered. It can also highlight challenges, opportunities and possible ways forward for revising and adjusting the LDP proposals and policies. However it should also recognise the limitations that can exist in terms of resources, data availability and timescales.

9.2.3 **Five broad principles** should underpin the monitoring framework:

- A **focus about what needs monitoring** i.e. where significant effects are likely (not every policy) and clarity about what sort of information is required;
- The **use of existing information**, in order to avoid unnecessary duplication with other monitoring mechanisms, e.g. LPA performance assessment, SIP / NPMP, sustainability indicators and survey work;
- **Establishing targets, indicators and trigger points** to promptly assess whether policies are achieving their stated objectives;
- **Consistency with relevant national monitoring guidelines**, e.g. in terms of prescribed and core indicators and common definitions; and
- **Adopting an interpretative, action-oriented approach** in line with “plan, monitor and manage”. This ensures that the emphasis is not just on data collection, but interpreting and building on the results each year to inform policy review where necessary. It may also identify critical new issues or impacts that require a targeted response gaps in the information base to be filled.

9.2.4 It is important to recognise **potential limitations** on monitoring including:

- A lack of consistent, up-to-date and relevant information in certain topic areas, e.g. on some aspects of land-use and neighbourhood change.
- A reliance on existing data sources may mean that some indicators can no longer be monitored or may need to be amended to correspond with updated methods of data collection. This should be clearly identified in the AMR.
- The complexity of multiple influences: outcomes are rarely a result solely of development plan policies.
- Choice of suitable timescales: many aspects of planning may not be capable of assessment until patterns emerge in the 2nd or 3rd AMR .

9.2.5 Where possible, planning monitoring data systems should be developed in an integrated manner using common definitions, assumptions, geographical bases and

should be evidenced. Overly complicated measures that would be difficult to implement should be avoided.

9.2.6 It is useful to document the monitoring process in tabular form in the plan. It is useful to identify and comment on:

- When the monitoring needs to be carried out (dates and frequency).
- How results will be presented and in what format.
- How the findings of SEA aspects of monitoring will be included and identified in the AMR (see section 9.4).
- A link to plan objectives for each indicator
- Strategic and local policies relevant to the indicator
- The identification of indicators, targets and trigger points, where necessary
- The body responsible for undertaking the monitoring

9.3 Developing Monitoring Targets and Indicators

9.3.1 Targets

9.3.1.1 Authorities should adopt the “SMART” approach to defining targets and indicators, wherever practicable. This means that they are Specific, Measurable, Achievable, Realistic and Time-bound.

9.3.1.2 Two types of targets are required:

- **Policy targets** linked to output indicators which will provide a benchmark for measuring policy implementation (for example, housing provision figures included in the overall strategy or in a housing policy would provide the target against which progress would be measured).
- **SA targets** measuring the significant effects of implementing policies. These will reflect the SEA requirements that have been incorporated into the integrated plan assessment process.

9.3.1.3 Many of these targets should have been defined at an early stage in LDP preparation, with stakeholder involvement. Some may be common targets already included in the SIP / NPMP or relevant national strategies. Other targets should be determined by LPAs in accordance with key aspects of delivering its strategy.

9.3.2 Indicators

9.3.2.1 Authorities should focus on output indicators, which are used to assess the performance of the LDP. These are intended to measure quantifiable physical activities that are directly related to the implementation of planning policies. SEA

indicators should monitor the impact of policies on environmental resources and where possible, should be integrated with comparable indicators.

9.3.2.2 The Welsh Government has introduced a set of nationally prescribed Sustainable Development indicators which can be integrated within the monitoring framework if appropriate to delivery of its strategy.

9.3.2.3 The Welsh Government considers that core output indicators are essential for assessing implementation of national policy. Core indicators that should be monitored by LPAs are outlined below and include the two indicators prescribed at LDP Regulation 37. LPAs should also define significant local indicators for their LDP.

9.3.2.4 Indicators are of most use when they are associated with a corresponding target, even if this is only expressed as a preferred direction of travel.

9.3.3 Core Indicators for LDP monitoring

9.3.3.1 Core Indicators prescribed in Regulation 37 (further information is in TANs 1 and 2):

- The housing land supply, taken from the current Housing Land Availability Study. This is measured in years' supply.
- The number of net additional affordable and general market dwellings built in the LPA's area (i.e. through the planning system). This should indicate the level of new housing constructed, minus any demolitions, during the AMR period and since the LDP was adopted.

9.3.3.2 Other Core Output Indicators for LDPs:

- Total housing units permitted on allocated sites as a % of overall housing provision
- Employment land permitted (ha) on allocated sites as a % of all employment allocations
- Amount of major retail, office and leisure development (sq m) permitted within and outside established town and district centre boundaries
- The extent of primary land-won aggregates permitted in accordance with the Regional Technical Statement for Aggregates expressed as a percentage of the total capacity required as identified in the Regional Technical Statement (MTAN).

9.4 Annual Monitoring Report (AMR)

9.4.1 AMRs serve a useful purpose in improving the transparency of the planning process, and keep stakeholders, the community and business groups informed of development plan issues. Each authority is required to prepare an Annual Monitoring

Report covering the preceding financial year from 1 April to 31 March. It must be submitted to the Welsh Government by 31 October each year and published on the authority's web site, in accordance with LDP Regulation 37. The first AMR should be submitted by the 31 October in the year following adoption of the first LDP, unless less than 12 months would have passed since adoption, in which case it should be submitted by 31 October of the subsequent year.

9.4.2 The AMR should assess the extent to which LDP strategies, policies and key sites are being delivered. The first report should establish data on the range of monitoring framework indicators on which it is proposed to monitor policies. These should include indicators identified nationally (section 9.3.3). Monitoring should indicate current data values, and where possible build-on identified trends in preceding AMRs.

9.4.3 The AMR is the main mechanism for reviewing the relevance and success of the LDP and identifying any changes necessary from established trends identified in the 2nd or 3rd AMR. In order to fulfil this function, the report should be highly focused rather than producing a statistical compendium.

9.4.4 Aspects that are usefully included in an AMR are:

- Key findings, in the form of a 1-2 page Executive Summary.
- Significant contextual change, i.e. a review of wider strategic issues affecting the local area and the context within which the LDP operates, including the fortunes of any significant local industries, emerging national planning guidance or a significant planning application
- Sustainability monitoring related to the SA Report and integrated assessment process (see section 9.2.2).
- Strategy monitoring, to assess whether the plan is achieving its main objectives, and whether it is "on track" in terms of the level of implementation, e.g. the level of new housing development or take-up of major sites.
- Policy monitoring, to highlight any policies which are not functioning effectively, and to highlight how such issues will be addressed.
- Conclusions and recommendations; e.g. identify any improvements/changes to key parts of the plan which would need to be considered in a future review and possible plan revision. Other appropriate responses may include identifying the need for SPG or further research and evidence gathering.

9.4.5 It is not realistic or necessary for all policies to be monitored - this would lead to an unnecessarily large and complicated document. Some key areas will need to be included consistently each year and this will be for the Authority to determine based on those elements crucial to delivering the plans strategy.

9.4.6 The broad structure of the AMR should remain the same from year to year in order to provide ease of analysis between successive reports and build on preceding

results. Good use of illustrative material such as charts, graphs and maps will also make the AMR more accessible.

9.4.7 It is important that the AMR has an analytical dimension. There is also merit in incorporating qualitative information from consultation with key stakeholders, for instance, the views of community leaders on their areas, and the plan makers' assessment of trends, conditions and issues driving change.

9.4.8 It is important to consider why information is needed, and to structure the analysis accordingly. The following questions may be relevant:

- What new issues have occurred in the area or in local/national policy (key recent contextual and national policy changes, future prospects)?
- How relevant, appropriate and up-to-date is the LDP strategy and its key policies and targets?
- What sites have been developed or delayed in relation to the plan's expectations on location and timing?

9.4.9 What has been the effectiveness of delivering policies and in discouraging inappropriate development?

9.5 Summary of Monitoring Tasks

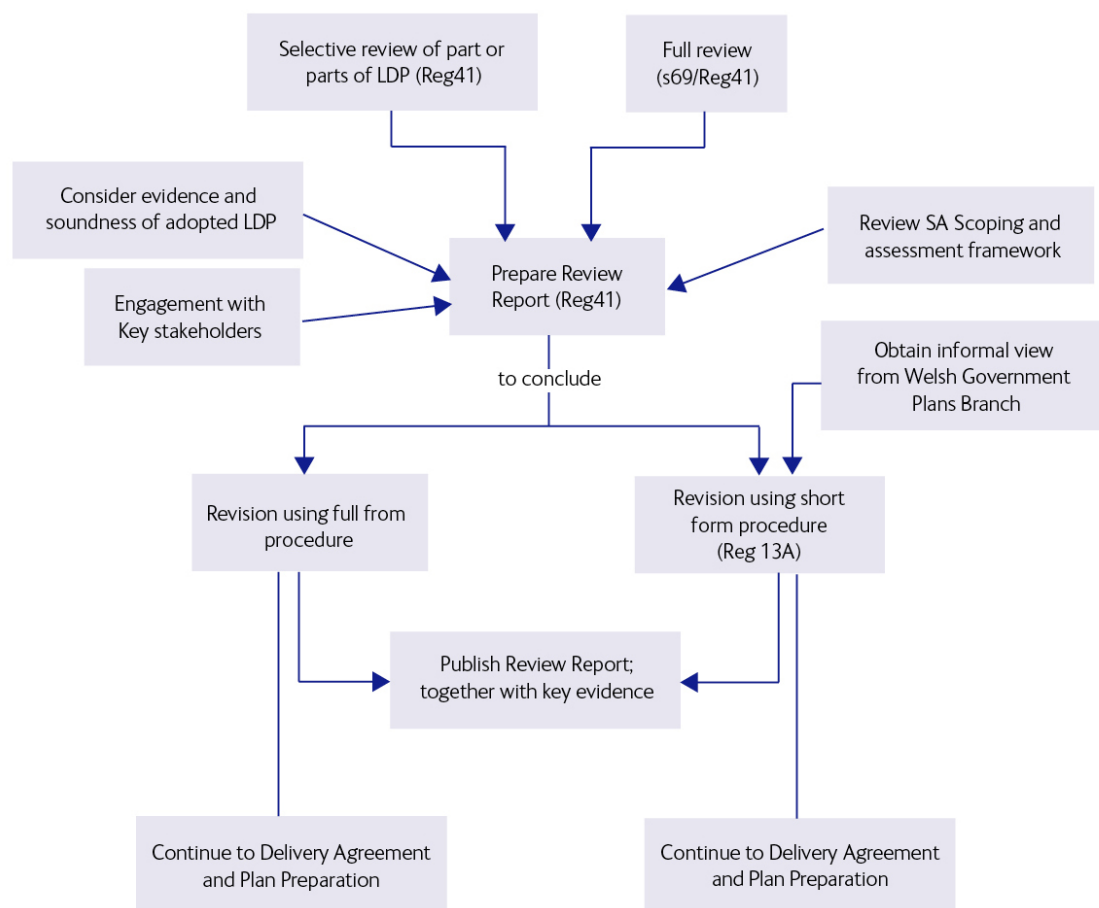
Integrated LDP Tasks	SA Specific Tasks
Consider monitoring framework needs from outset; establish monitoring framework with targets & indicators. Data collection / monitor.	Establish SA targets & indicators.; Monitoring of significant effects and mitigation measures.
Prepare, publish & submit Annual Monitoring Report(s)	Include results of SEA monitoring in AMR. Consider need for remedial action

N.B. Where the short form plan revision procedure is deemed appropriate not all stages may be relevant - see 10.2.

See Table 3.3 for consultation requirements.

10. Review and Revision

Figure 10.1: Review



10.1 Review and the Review Report

- Triggers for review

10.1.1 Section 69 of the 2004 Act requires an LPA to undertake a review of an LDP and report to the Welsh Government at such times as prescribed. To ensure that there is a regular and comprehensive assessment of whether plans remain up-to-date or whether changes are needed an authority should commence a S69 full review of its LDP at intervals not longer than every 4 years from initial adoption and then from the date of the last adoption following a review under S69 (Regulation 41). A plan review should draw upon published AMRs, evidence gathered through updated survey evidence (as set out in S61 – see 5.3.1.1) and pertinent contextual indicators, including relevant changes to national policy. Collectively, this should enable the rapid publication of a Review Report, within six months from start of the review process.

10.1.2 In addition to full review, Regulation 41 provides for a selective review of the LDP. The timing and frequency of plan review, other than the 4-yearly requirement,

will depend upon the findings of the AMR which will encapsulate changes at national and local level. Annual monitoring and regular review will mean that plans remain up-to-date and support the objectives of the plan-led system of providing certainty; rational and consistent decisions; and a reduction in the number of misconceived planning applications and appeals.

10.1.3 Therefore, key triggers for review and the consequential need for a Review Report due to new evidence which would support a different approach, are:

- Significant contextual change (e.g. in national policy or legislation; in local context e.g. closure of a significant employment site that undermines the local economy; in development pressures or needs and investment strategies of major public and private investors).
- Significant concerns from the findings of the AMR in terms of policy effectiveness, progress rates, and any problems with implementation.
- S69 / Regulation 41 full review requirement.

- Steps in review

10.1.4 In conducting any plan review the LPA will need to consider the soundness of the adopted plan. This will involve considering the findings of the preceding AMRs, the updated evidence base and on-going S61 surveys. The review should include reconsideration of the SA or in the case of a more recent LDP the SEA aspects of an integrated plan appraisal. It should also involve engagement with key stakeholders to assist deliberations on how to move forward as considered appropriate (see Annex B); this should assist in justifying the conclusions of the review process. Ideally an LDP review should be integrated with a review of the SIP / NPMP, although it is recognised that this will not always be appropriate.

- the Review Report

10.1.5 The Review Report should set out clearly what has been considered, which key stakeholders have been engaged and, where changes are required, what needs to change and why, based on evidence; including issues, objectives, strategy, policies and the SA as well as the implications of anticipated revisions on any parts of the plan that are not proposed to be revised. It must make a conclusion on the revision procedure to be followed, i.e. full or short form. To maximise the robustness of the approach and minimise the potential for legal challenge assessing the evidence base against the tests of soundness would prove beneficial. This should provide the justification for both the conclusion of which revision process is the most appropriate to follow, as well as which elements of the evidence base require further updating through the plan revision. It is for the LPA to ensure that it has undertaken the work thoroughly and can defend its conclusions if challenged. Certain evidence documents may need to have been analysed / reviewed to inform the Review Report. Where the conclusion is for short form revision procedure it is recommended that the draft Review Report, together with pertinent evidence to justify the conclusion, be sent to Welsh Government (Plans Branch) for an informal 'without prejudice' view based on the information provided.

10.1.6 The Review Report should be formally approved by the LPA, published on its web-site, sent to the Welsh Government and copies made available as soon as practicable after LPA approval; key evidence upon which the Report is based should be publicly available. The Report is part of the documentation required at the subsequent pre-deposit stage. This will ensure that early engagement opportunities enable any dissenting views on the scope of a proposed revision to be expressed and considered by the LPA early in the process. It is also required as part of the deposit documentation and the submission package.

10.2 Revision

10.2.1 Section 70(1) of the 2004 Act allows an LPA to prepare a revision of an LDP at any time. Any revision must be preceded by a Review Report (Regulation 41).

10.2.2 Important considerations in determining the need for plan revision will be the end date of the extant LDP, the need to maintain a 5-year supply of housing land and the time required to prepare and adopt revisions and prepare the plan-critical elements of the evidence base. LDPs once adopted should have an operational life of at least 10 years. Extension of the plan dates and related assessments of additional land requirements etc, will not necessarily prejudice the strategy unless a fundamental change in the growth/spatial direction of travel is proposed. It is important that the new need due to the longer timescale is identified, bearing in mind that the needs assessments underpinning the adopted LDP will relate to that plan period as envisaged. The issue then is how this new need is met through the plan and if it would result in significant changes. The implications of moving the plan period forward should be explained clearly in both the Review Report, and the supporting evidence base.

10.2.3 For both Revision procedures described below, a revised Delivery Agreement will be necessary as detailed at section 4.5.2.3. Where significant concerns have been expressed 'without prejudice' by Welsh Government about the conclusion of the Review Report (section 10.1.5), this will be referenced in the formal Welsh Government response to the submitted revised Delivery Agreement, outlining the high degree of risk the authority may be incurring.

10.2.4 Where revisions to the LDP are proposed and put forward for public inspection, the consultation documents should indicate clearly the changes from the existing policies and proposals. When deciding to make alterations to a plan, an authority should consider the degree of inter-relationship between policies and the potential effects of changing one policy on other policies in the plan. The requirements in terms of SA and HRA should also be considered. Selective alterations which do not consider the implications of connections between different policy areas in the plan may have damaging consequences for the coherence and effectiveness of the plan as a whole and could affect the soundness of the overall plan.

- Full revision procedure

10.2.5 The LDP Review Report may conclude that the issues involved are of sufficient significance to justify undertaking the full revision procedure e.g. when the strategy is out of date or is not working; apart from the Delivery Agreement, the full revision process is the same as for plan preparation (LDP Regulation 3(1)) and is outlined in Figure 2.1; however, see above (10.2.3) in relation to revision of the Delivery Agreement. The work should build on the experience gained with the original LDP and the replacement plan should be prepared in considerably less than 4 years.

- Short form revision procedure

10.2.6 The LDP Regulations (Regulation 13A and Part 4A) provide a short form revision procedure for circumstances where the issues involved are not of sufficient significance to justify undertaking the full revision procedure. The Authority would need to conclude in its LDP Review Report, based upon evidence and in consultation with appropriate consultees, that it considers a short form procedure is the most appropriate response and that revisions would not:

- make the strategy unsound, and / or
- make the strategy incoherent or unrecognisable, and / or
- result in a plan distinctly different to the one adopted.

10.2.7 The evidence required to support this stance would include the results of the AMR, any contextual evidence (such as changes in national policy) and a refresh of the SA and HRA. The short form revision process will be appropriate where, for example, changes to a particular development management policy or threshold in the plan (such as affordable housing thresholds) are needed or additional sites are required; any such changes, including new sites, would need to accord with the adopted LDP strategy. However, if entirely new sites have to be found then a further 'call for candidate sites' should be made and the LPA will need to consider the extent to which a round of initial consultation on these candidate sites should be undertaken.

10.2.8 Where the LPA decides to employ the short form revision process the LPA must be sure that it can fully justify its approach. There is the risk of abortive work and delay if it is found during the examination that the issues involved are of sufficient significance to justify undertaking the full revision procedure. An Inspector is likely to hold an exploratory meeting if he/she considers the full revision procedure to be appropriate. Whilst the full pre-deposit requirements of Part 4 of the Regulations won't be required under Part 4A, an LPA could still carry out a public consultation to justify the approach if it considered the risk was too great.

10.2.9 The pre-deposit stage is a more flexible stage with limited legislative requirements and no need for the Regulation 15 style "pre-deposit public consultation". It requires that, in order to determine the scope of the revision to the LDP and for the generation of policy and/or site options, the LPA must notify those specific consultation bodies which the LPA considers may have an interest in the proposed revisions, and any general consultation body that the LPA considers appropriate, and invite each to make representations which the LPA must then

consider (the Regulation 26A stage). The Delivery Agreement's community involvement scheme will need to clarify this stage.

10.2.10 At the deposit stage (Regulation 26B), the LPA will need to make it clear that any consultation and related representations should relate only to the proposed changes, or their relationship with the LDP and the Review Report. When depositing revisions to the plan, an authority should identify those policies in the plan which are not being altered, but which it considers to be linked in a direct way to those that are being changed; it should also present the SA implications of these changes. This will assist people to identify the scope of possible representations to the revisions proposed. Authorities are not required to respond to representations that do not relate to the revision unless they can be reasonably regarded as of relevance to the soundness of that revision; the general principles of public law will govern the relevance of representations. All representations received within the consultation period, including those that the LPA does not consider relevant to the proposed changes, should be registered by the LPA. At submission the LPA should include as a separate set of representations any that it considers not relevant to the changes it is proposing.

10.2.11 The LPA should ensure that it can confirm that the earlier SA process remains valid, that it has considered options in subjecting the new proposals to assessment and has complied with the SEA and Habitats Regulations.

10.2.12 The examination of the proposed revisions will be within the context of the adopted plan; the Inspector will consider the LPA's conclusions regarding the continued soundness of the plan (as set out in the Review Report) as well as the appropriateness of the changes in the light of the evidence base as set out in the LDP Regulations. The Inspector will have discretion to determine whether a representation about a retained or a linked policy should be regarded as relevant and considered as an objection requiring to be heard at examination. However, if the representation relates to a policy or allocation which is clearly outside the scope of the plan revision, as set out in the Review Report and at deposit, the representation would not be considered as the examination relates only to elements of the plan which are proposed to be changed.

10.2.13 The Inspector has to be satisfied that the whole plan remains sound for it to be adopted. It is the revised LDP in its entirety that should be adopted. As soon as reasonably practicable after adoption, the revisions should be incorporated into the adopted LDP made available. Upon adoption it will automatically supersede the existing LDP (Regulation 24A).

10.2.14 Developing the necessary changes should not require longer than 6 months and in most cases the examination should be completed in about the same time; if a further 'call for candidate sites' is required, then this is likely to extend the time needed before submission to between 9-12 months.

10.3 Summary of Review & Revision Tasks

Integrated LDP Tasks	SA Specific Tasks
LDP review in response to AMR findings (consider whether a selective review is appropriate), and in full at least every 4 years from initial adoption and last adoption following a S69 review.	Review SA scoping and assessment framework.
Consider published AMRs, significant contextual change & need to undertake statutory full reviews. Engage with key stakeholders; consider evidence base. Prepare Review Report, to include conclusion on plan revision procedure (based on significance of issues involved). Obtain informal view from Welsh Government Plans Branch where draft review report recommends short form revision. Publish review report; send to Welsh Government. Make key evidence publicly available.	Reconsider SA / or SEA aspects of integrated plan appraisal.
Progress using full form or short form revision procedure; prepare revised Delivery Agreement; consider need for further call for candidate sites.	Ensure requirements of SA and of SEA Regulations are met.

11. Welsh Government Role, High Court Challenge and Revocation

11.1 Welsh Government Involvement

11.1.1 The Welsh Government will become involved in the LDP process via:

- i. **Delivery Agreement** (section 63 of the 2004 Act): An LPA is required to submit to the Welsh Government for agreement the terms of its timetable for plan preparation and adoption and its CIS (i.e. the Delivery Agreement – LDP Regulation 9). The Welsh Government has the power to direct the terms of these documents where agreement cannot be reached.
- ii. **Pre-Deposit Plan Preparation** (LDP Regulations): The Welsh Government is a statutory consultee for LDPs (see Annex B), including SA, and should be consulted at an early stage of the plan-making process. Ongoing dialogue with the Welsh Government should prevent the need for more formal interventions to be made later in the plan process.
- iii. **Deposit** (LDP Regulations): The Welsh Government will scrutinise plans, revisions to plans, and replacement plans to identify whether they are consistent with national policy and whether there are conflicts which do not appear to be justified by robust evidence of local circumstances. The Welsh Government may register representations, including objections, to the deposited plan.

11.2 Welsh Government Powers

11.2.1 Under Part 6 of the 2004 Act the Welsh Government has wide-ranging powers of direction as well as default powers in relation to LDPs, as outlined in PPW Ch2.

11.3 High Court Challenge

11.3.1 Any person can challenge the validity of an LDP under section 113 of the 2004 Act, as outlined in the LDP chapter of PPW.

11.4 Revocation

11.4.1 Under section 68 of the 2004 Act the Welsh Government may revoke an LDP at the request of the LPA at any time. The LPA must remove the LDP from inspection, publicise and give notice of the fact, and take any steps it considers necessary to draw the matter to the attention of people living or working in the area (Regulation 39(5)).

12. Transitional and Saving Provisions

12.1 Transitional and Saving Provisions (2015 Provisions)

12.1.1 The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 – S.I.2015/1598(W.197) (“the 2015 Amendment Regulations”) provide for the following transitional provisions (Regulation 3).

12.2 Regulation 20/21 Alternative Sites Stage

12.2.1 This stage serves to advertise and provide consultation opportunity for ‘alternative sites’ that arise from representations to the Regulation 17 deposit plan. It is no longer considered necessary or appropriate. Where the LPA or Inspector propose to amend the deposit LDP in relation to an ‘alternative site’ that is proposed by representors to the Regulation 17 deposit plan, then consultation will take place by means of non-statutory ‘focussed changes’ (before submission) and / or non-statutory ‘matters arising changes’ (MACs) during the examination. This provides the opportunity for representations in favour and against the proposal and enables the opportunity to be heard under section 64(6). Only where an LPA has, at commencement of the 2015 Amendment Regulations, commenced this stage should it be continued.

12.2.2 Thus, for all LDP preparation including revisions:

- i. If any site application representations are received to the deposit plan under Regulation 18, and the LPA has not made those site applications available under Regulation 20 before commencement of the 2015 Amendment Regulations, then Regulation 19(2) applies to them such that they are dealt with as deposit representations.

- ii. However, if the LPA has commenced dealing with site allocation representations under Regulation 20 before commencement of the 2015 Amendment Regulations, it must continue under Regulations 20 and 21.

12.3 Pre-Deposit Regulation 14

12.3.1 In relation only to LDP short form revision, transitional provisions enable Regulation 14 pre-deposit participation work completed before commencement of the 2015 Amendment Regulations to be treated as having complied with the short form revision procedure pre-deposit requirements in relation to the notification and invitation elements (section 10.2.9). The Regulation 14 requirement is broader than the Regulation 26A short form pre-deposit requirement and would provide the opportunity for appropriate bodies to make their views known. The LPA can choose whether it wishes to proceed using the full or short form procedure. Any representations received would need to be considered and the LPA must prepare a report of the Regulation 14 stage (the, or part of the, initial consultation report).

12.4 Review Report

12.4.1 Transitional provisions enable any Review Report submitted to the Welsh Government before commencement of the 2015 Amendment Regulations to be treated as having complied with the regulatory procedure. Unless already done so, the LPA acting under this provision should also publish the Review Report on its website and make copies available.

12.5 Transitional and Saving Provisions (2005 Provisions)

12.5.1 Where there is no LDP for an area, transitional and savings provisions apply in relation to the area of any authority in Wales until the LDP for that area has become fully operative. Any existing development plan (i.e. Unitary Development Plan, Structure Plan or Local Plan) will cease to have effect for the area of the appropriate authority when an LDP becomes operative for that area. This provision is made under the Planning and Compulsory Purchase Act 2004 (Commencement No.6, Transitional Provisions and Savings) Order 2005 – S.I.2005/2847(C.118).

Annex A

Quality Assurance Checklist

(see 2.1.2, 3.4.5, 4.5.12)

- Not all checks listed will apply to a short form revision.
- This checklist does not include the statutory requirements in relation to the consultation periods and the availability of documents.

Evidence Gathering

In preparing an LDP one of the issues that an LPA must have regard to is the resources likely to be available in implementing the plan (Section 62 (50)(f) of the 2004 Act). The authority should take this into consideration when preparing its delivery agreement and the work programme for the plan preparation process.

- Is baseline information being collected and evidence gathered to keep matters which affect the development on the area under review (S61 of the 2004 Act)
- Is the baseline evidence being collected and evidence being gathered to set the framework for the sustainability appraisal (S62 (5) of the 2004 Act)
- Has the authority considered working collaboratively wherever possible with other authorities in gathering evidence?

Baseline information

- Relevant aspects of the current state of the environment and their likely evolution without the plan are described.
- Characteristics of areas likely to be significantly affected are described, including areas wider than the physical boundary of the plan area where it is likely to be affected by the plan where practicable.
- Difficulties such as deficiencies in information or methods are explained.

Delivery Agreement - Assessment Criteria

- Have you considered the appropriate bodies you should consult?
- Is the work project managed?

Timetable

- Is it easy for the public to understand?
- Are the main LDP process components covered?
- Have the impacts of LPA processes for approval (e.g. Cabinet cycles) been incorporated?
- Have you clearly indicated the timing of actions in relation to the SA? E.g. 5 weeks consultation with statutory Consultation Bodies on the scope and level of detail of the environmental information to be included in the SA (Reg 9 and 13 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004)

- How will the Planning Committee be involved?
- Is there sufficient time for involving the community at the right stages?
- Have the resources needed for each stage/task been estimated?
- Have the impact and resource sharing potential of other LPA policy and strategy cycles been considered?
- Is the Planning Inspectorate aware/content?
- Is the timetable realistic and deliverable with key milestones set to meet the adoption target?
- If not, what are the extenuating circumstances (e.g. local elections)?

Community Involvement Scheme

- Is the CIS concise and easy for the public, voluntary organisations and businesses to relate to and understand how they will be involved in the process?
- Does it set out clearly the authority's approach and standards for involvement and how these link to other relevant local consultation approaches?
- Does this approach meet the key principles at 4.1.4 of the Manual?
- Are the statutory consultation periods and consultee organisations included?
- Are you engaging with stakeholders responsible for the delivery of the strategy?
- Have you summarised the involvement of those affected in drawing up the CIS?
- Does the CIS include relevant stakeholder groups, given the nature of the authority's area?
- Is it clear about the type of involvement proposed for each relevant stage and task, and do these techniques/processes appear appropriate to the task/stage?
- Does the authority demonstrate the ability to resource and manage the processes?
- Are there clear roles for Members, Executive and officers?
- Is there a means of establishing a representative cross-section of views?
- Is it clear what is expected from participants at each stage?
- Does it show how the output from community involvement in each stage/task will be communicated to participants and interested parties (feedback mechanisms)?
- Is it clear how the output will be transparently recorded as influencing the plan and SA?

- Does it indicate how the authority will monitor (and change) the CIS?

Plan Preparation – frontloading phase

Objectives and context

- The plan's purpose and objectives are made clear.
- Sustainability issues, including international and EC objectives, are considered in developing objectives and targets.
- SA objectives are clearly set out and linked to indicators and targets where appropriate.
- Links with other related plans, programmes and policies are identified and explained.
- Conflicts that exist between SA objectives, between SA and plan objectives, and between SA and other plan objectives are identified and described.

Scoping

- The Consultation Bodies are consulted in appropriate ways and at appropriate times on the content and scope of the SA Report.
- The appraisal focuses on significant issues.
- Technical, procedural and other difficulties encountered are discussed; assumptions and uncertainties are made explicit.
- Reasons are given for eliminating issues from further consideration.

Strategic Options and Preferred Strategy

Options/Alternatives

- Only realistic alternatives are considered for key issues, and the reasons for choosing them are documented concisely.
- Alternatives include 'do nothing' and/or 'business as usual' scenarios wherever relevant.
- The sustainability effects (both adverse and beneficial) of each alternative are identified and compared.
- Inconsistencies between the alternatives and other relevant plans/strategies, programmes or policies are identified and explained.
- Reasons are given for selection or elimination of alternatives, setting out reasons for any preferences between alternatives based on the evidence.

- Have you had regard to all the relevant plans/ policies/strategies/ programmes and illustrated clearly how this has influenced the options/ alternatives?
- Are you collaboratively working with other local planning authorities to address cross-boundary issues?

Prediction and evaluation of likely significant effects

- Likely significant social, environmental and economic effects are identified, including those listed in the SEA directive (biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural heritage and landscape), as relevant.
- Both positive and negative effects are considered, and where practicable, the duration of effects (short, medium or long-term) is addressed.
- Likely secondary, cumulative and synergistic effects are identified where practicable.
- Inter-relationships between effects are considered where practicable.
- Where relevant, the predication and evaluation of effects makes use of accepted standards, regulations, and thresholds.
- Methods used to evaluate the effects are described.

Mitigation measures

- Measures envisaged to prevent, reduce and offset any significant adverse effects of implementing the plan are indicated.
- Issues to be taken into account in development consents are identified.
- Is clear and concise in its layout and presentation.
- Uses simple, clear language and avoids or explains technical terms.
- Uses maps and other illustrations where appropriate.
- Explains the methodology used.
- Explains how the LDP options were evaluated.
- Identifies sources of information, including expert judgement and matters of opinion.
- Contains a non-technical summary.

The Sustainability Appraisal Report (also HRA)

- Is clear and concise in its layout and presentation.
- Uses simple, clear language and avoids or explains technical terms.
- Uses maps and other illustrations where appropriate.
- Explains the methodology used.

- Explains how the LDP options were evaluated.
- Identifies sources of information, including expert judgement and matters of opinion.
- Contains a non-technical summary.

Consultation on the Sustainability Appraisal Report

- The SA Report and the opinions of those consulted are taken into account in preparing the deposit LDP.

Preparation of Deposit

- Are you clearly justifying any changes to the strategy and key policies since preferred strategy?
- Have you provided the evidence to support the change?

Content of the Deposit LDP

- Is the plan clear and as short and concise as possible?
- Are policies worded appropriately and mean what they should mean?
- Do policies include administrative tasks rather than policies which will help decision makers in taking decisions on planning applications?
- Is the background documentation referenced well to avoid duplicating information?
- Is all the relevant information contained in the background documentation rather than the LDP?

The updated Sustainability Appraisal Report (also HRA)

- As above for the SA Report.
- Explains who was consulted and what methods of consultation were used.
- Gives an explanation of how representations have been taken into account.
- Includes the results of assessing any revised or new option resulting from public consultation.
- Explains the reasons for the strategy included in the deposit LDP.

Consultation on the updated Sustainability Appraisal Report

- Reasons are given for choices in the deposit plan, in the light of other reasonable options considered.

Submission, Examination and Adoption

Decision-making and information on the decision

- An explanation of how the findings of the SA process (& HRA) have been taken into account is given in the adoption statement.
- Any changes made to the LDP as a result of the SA process and responses to consultation are made clear in the adoption statement.
- Have you prepared your LDP in accordance with the delivery agreement?
- The implications of any significant changes recommended in the Inspector's report are identified in the finalised SA Report and adoption statement.

Monitoring and Review

Monitoring measures

- Measures proposed for monitoring are clear, practicable and linked to the indicators and objectives used in the SA.
- Monitoring is used, where appropriate, during implementation of the plan to make good deficiencies in baseline information in the SA.
- Monitoring enables unforeseen adverse effects to be identified at an early stage. (These effects may include predictions which prove to be incorrect.)
- Proposals are made for action in response to significant adverse effects.

Base Source: The SEA Quality Assurance Checklist contained at Appendix9 (Figure 25) of "A Practical Guide to the Strategic Environmental Assessment Directive", Joint Administrations, September 2005

- adapted and reordered for the LDP system and integrated LDP / SA.

Annex B

CONSULTEES FOR LOCAL DEVELOPMENT PLANS

B1 An LPA will decide whom it will engage and consult and at various stages of the plan preparation process; this information will be contained in its community involvement scheme (CIS) which forms part of its Delivery Agreement. LPAs will need to comply with the requirements of the 2004 Act and the LDP Regulations in relation to engagement of, and consultation with, the 'specific consultation bodies' and the 'general consultation bodies' (see below).

B2 **SPECIFIC CONSULTATION BODIES** (defined in LDP Regulation 2)

LPAs must consult the following bodies in accordance with the 2004 Act and the LDP Regulations:

- i. The Welsh Government
In addition to planning, the Welsh Government has responsibility for a wide range of policy matters including agriculture, economic development, education, environment, health and social services, historic environment, housing, industry, tourism, transport and Welsh language. The Welsh Government's **Planning Division will co-ordinate consultations within the Welsh Government.**
- ii. Natural Resources Wales
- iii. Network Rail Infrastructure Limited (Western & Wales - Property)
- iv. Secretary of State – insofar as the Secretary of State exercises functions previously exercisable by the Strategic Rail Authority (Railways Act 2005) v.
A relevant authority (i.e. a local planning authority or a community or town council), any part of whose area is in or adjoins the area of the authority
- vi. Any person to whom the electronic communications code applies by virtue of a direction given under section 106(3) of the Communications Act 2003
- vii. Any person who owns or controls electronic apparatus situated in any part of the authority's area (where known)
- viii. Any of the bodies from the following list which are exercising functions in any part of the authority's area:
 - a. a Local Health Board
 - b. a person to whom a license has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
 - c. a person to whom a license has been granted under section 7(2) of the Gas Act 1986
 - d. a sewerage undertaker
 - e. a water undertaker

B3 UK GOVERNMENT DEPARTMENTS

An authority should consult UK Government departments where aspects of a plan, or proposals for its revision or replacement, appear to affect their interests. In particular, the following should be consulted on the policy areas outlined below:

- | | | |
|------|---|--|
| i. | Department for Transport | Rail, airport and maritime / port policy |
| ii. | Department of Energy and Climate Change | UK energy policy |
| iii. | Home Office | Civil defence matters; policies for prisons etc |
| iv. | Ministry of Defence | Matters likely to affect its land holdings and installations or where large scale disposals of MOD land may be being considered. |

B4 GENERAL CONSULTATION BODIES (defined in LDP Regulation 2)

The following are the 'general consultation bodies' that should be consulted in accordance with an authority's Delivery Agreement:

- i. Voluntary bodies, some or all of whose activities benefit any part of the authority's area
- ii. Bodies which represent the interests of different racial, ethnic or national groups in the authority's area
- iii. Bodies which represent the interests of different religious groups in the authority's area
- iv. Bodies which represent the interests of disabled persons in the authority's area
- v. Bodies which represent the interests of persons carrying on business in the authority's area
- vi. Bodies which represent the interests of Welsh culture in the authority's area

B5 OTHER CONSULTEES

An authority should also consider the need to consult, where appropriate, the following agencies and organisations, in accordance with its Delivery Agreement:

Airport Operators
British Aggregates Association
British Geological Survey
Canal and River Trust, canal owners and navigation authorities
Centre for Ecology and Hydrology
Chambers of Commerce, local CBI and local branches of Institute of Directors
Civil Aviation Authority
Coal Authority
Commission for Racial Equality
Country Land and Business Association
Crown Estate Office

Design Commission for Wales
Disability Wales
Disability Rights Commission
Disabled Persons Transport Advisory Committee
Electricity, Gas and Telecommunications Companies and the National Grid Company
Environmental groups at national and regional level
Environmental Services Agency (Waste)
Equality and Human Rights Commission
Farmers Union Wales
Federation of Small Businesses
Fields in Trust
Fire and Rescue Services
Forestry Commission Wales
Freight Transport Association
Gypsy Council
Health and Safety Executive (HSE)
Home Builders Federation
Local community, conservation and amenity groups, including Agenda 21 Groups/Civic Societies
Local transport operators
National Farmers Union of Wales
One Voice Wales
Planning Aid Wales
Police Architectural Liaison Officers
Port Operators
Post Office Property Holdings
Professional Bodies not specifically listed (e.g. Royal Institution of Chartered Surveyors Wales, Royal Town Planning Institute in Wales, Chartered Institute of Housing Cymru, Institution of Civil Engineers, Chartered Institution of Waste Management)
Public Health Wales
Quarry Products Association Wales
Rail Freight Group
Sports Council for Wales
Train Operating Companies
Traveller Law Reform Coalition
Wales Council for Voluntary Action
Wales Environment Link
Water Companies
Welsh Environmental Services Association (representing waste industry)
Welsh Language Commissioner